

9292

**PROCEEDINGS**

**OF THE**

**American Society of International Law**

**AT ITS**

**EIGHTH ANNUAL MEETING**

**HELD AT**

**WASHINGTON, D. C.**

**APRIL 22-25, 1914**

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## TABLE OF CONTENTS

	PAGE
OFFICERS AND COMMITTEES FOR THE YEAR 1914-1915.....	v
CONSTITUTION OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW.....	vii
REPORT OF THE EIGHTH ANNUAL MEETING.....	1

### FIRST SESSION

WEDNESDAY, APRIL 22, 1914, AT 8 O'CLOCK P.M.

Opening remarks of the President of the Society.....	1
The real Monroe Doctrine. ELIHU ROOT.....	6
The origin of the Monroe Doctrine. CHARLES FRANCIS ADAMS.....	22

### SECOND SESSION

THURSDAY, APRIL 23, 1914, AT 2:30 O'CLOCK P.M.

Statements, interpretations and applications of the Monroe Doctrine and of more or less allied doctrines:	
From 1823-1845. WILLIAM R. MANNING.....	34
From 1845-1870. JAMES MORTON CALLAHAN.....	59
From 1870 to the present day. JOHN H. LATANÉ.....	105
Remarks of PHILIP BROWN .....	114
JAMES L. SLAYDEN .....	115
JOSEPH WHELESS .....	116
JAMES BROWN SCOTT .....	117

### THIRD SESSION

THURSDAY, APRIL 23, 1914, AT 8 O'CLOCK P.M.

Misconceptions and limitations of the Monroe Doctrine:	
JOHN W. FOSTER .....	119
LEO S. ROWE .....	126
The Monroe Doctrine—A gospel of peace. EUGENE WAMBAUGH.....	143

### FOURTH SESSION

FRIDAY, APRIL 24, 1914, AT 10:30 O'CLOCK P.M.

The Monroe Doctrine: National or international? WILLIAM I. HULL.....	155
What countries benefit by the Monroe Doctrine? JOSEPH WHELESS.....	171
The Latin American attitude toward the Monroe Doctrine. HIRAM BINGHAM .....	180
Remarks of CHARLES J. HERRICK .....	196
DEXTER PERKINS .....	197
WILLIAM HOYNES .....	199

26 Jan 1915 + 95

## FIFTH SESSION

FRIDAY, APRIL 24, 1914, AT 8 O'CLOCK P.M.

The European attitude toward the Monroe Doctrine. CHARLEMAGNE TOWER	202
Should the Monroe Doctrine continue to be a policy of the United States?	
GEORGE H. BLAKESLEE	217

## SIXTH SESSION

SATURDAY, APRIL 25, 1914, AT 11 O'CLOCK A.M.

BUSINESS MEETING	231
Coöperation with the American Institute of International Law	231
Report of Committee on Codification	232
Election of officers	233
Election of honorary member	234
Remarks on death of T. M. C. Asser	236
Remarks on annual meetings	239
ADJOURNMENT	242
MINUTES OF THE EXECUTIVE COUNCIL:	
Meeting of April 23, 1914	243
Meeting of April 25, 1914	244
REPORT OF THE TREASURER, 1913-1914	247
REPORT OF CONFERENCE OF TEACHERS OF INTERNATIONAL LAW AND RELATED SUBJECTS	250
FIRST SESSION, THURSDAY, APRIL 23, 1914, 10 O'CLOCK A.M.	250
Opening remarks of Mr. ELIHU ROOT	250
Organization of the Conference	252
Roll of delegates	257
Committees	259
Remarks of Mr. D. DA GAMA, Ambassador from Brazil	266
SECOND SESSION, FRIDAY, APRIL 24, 1914, 2:30 O'CLOCK P.M.	269
Report of Committee No. 1	269
Report of first subcommittee	270
Report of second subcommittee	272
Report of third subcommittee	274
Report of Committee No. 3	278
Report of Committee No. 4	279
Report of Committee No. 5	280
Report of Committee No. 6	281
Adoption of recommendations of Committee No. 1	282
Consideration of recommendations of Committee No. 3	297
Adoption of recommendation of Committee No. 4	300
Adoption of recommendation of Committee No. 5	301
Adoption of recommendations of Committee No. 6	302

Adoption of recommendation of Committee No. 3.....	305
Committee on Revision .....	307
THIRD SESSION, SATURDAY, APRIL 25, 1914, 10:30 O'CLOCK A.M.....	308
Report and adoption of recommendations of Committee No. 2.....	308
Report and adoption of recommendations of Committee No. 7.....	310
Resolutions concerning special courses for consular and diplomatic services and preparation for business .....	311
RESOLUTIONS AND RECOMMENDATIONS OF THE CONFERENCE.....	315

#### ANNUAL BANQUET

Remarks of Hon. ELIHU ROOT, <i>Toastmaster</i> .....	325, 327, 332, 336, 341
Responses:	
Hon. F. C. STEVENS .....	328
Mr. ARCHIBALD C. COOLIDGE .....	332
Hon. WILLIAM J. BRYAN .....	336
LIST OF MEMBERS .....	342
INDEX. . . . .	364



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CONSTITUTION  
OF THE  
AMERICAN SOCIETY OF INTERNATIONAL LAW<sup>1</sup>

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ARTICLE I

*Name*

This Society shall be known as the AMERICAN SOCIETY OF INTERNATIONAL LAW.

ARTICLE II

*Object*

The object of this Society is to foster the study of International Law and promote the establishment of international relations on the basis of law and justice. For this purpose it will coöperate with other societies in this and other countries having the same object.

ARTICLE III

*Membership*

Members may be elected on the nomination of two members in regular standing by vote of the Executive Council under such rules and regulations as the Council may prescribe.

Each member shall pay annual dues of five dollars and shall thereupon become entitled to all the privileges of the Society, including a copy of the publications issued during the year. Upon failure to pay the dues for the period of one year a member may, in the discretion of the Executive Council, be suspended or dropped from the rolls of membership.

Upon payment of one hundred dollars any person otherwise entitled

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<sup>1</sup>The history of the origin and organization of the American Society of International Law can be found in the Proceedings of the First Annual Meeting, at p. 23.

The Constitution was adopted January 12, 1906.

to membership may become a life-member and shall thereupon become entitled to all the privileges of membership during his life.

A limited number of persons not citizens of the United States and not exceeding one in any year, who shall have rendered distinguished service to the cause which this Society is formed to promote, may be elected to honorary membership at any meeting of the Society on the recommendation of the Executive Council. Honorary members shall have all the privileges of membership, but shall be exempt from the payment of dues.

#### ARTICLE IV

##### *Officers*

The officers of the Society shall consist of a President,<sup>2</sup> nine or more Vice-Presidents, the number to be fixed from time to time by the Executive Council, a Recording Secretary, a Corresponding Secretary, and a Treasurer, who shall be elected annually, and of an Executive Council composed of the President, the Vice-Presidents, *ex officio*, and twenty-four elected members, whose terms of office shall be three years, except that of those elected at the first election eight shall serve for the period of one year only and eight for the period of two years, and that any one elected to fill a vacancy shall serve only for the unexpired term of the member in whose place he is chosen.

The Recording Secretary, the Corresponding Secretary and the Treasurer shall be elected by the Executive Council from among its members. The other officers of the Society shall be elected by the Society, except as hereinafter provided for the filling of vacancies occurring between elections.

At every annual election candidates for all offices to be filled by the Society at such election shall be placed in nomination by a Nominating Committee of five members of the Society previously appointed by the Executive Council, except that the officers of the first year shall be nominated by a committee of three appointed by the Chairman of the meeting at which this Constitution shall be adopted.

All officers shall be elected by a majority vote of members present and voting.

All officers of the Society shall serve until their successors are chosen.

<sup>2</sup>See Amendments, Article 1, p. x.



## ARTICLE V

*Duties of Officers*

1. The President shall preside at all meetings of the Society and of the Executive Council and shall perform such other duties as the Council may assign to him. In the absence of the President at any meeting of the Society his duties shall devolve upon one of the Vice-Presidents to be designated by the Executive Council.

2. The Secretaries shall keep the records and conduct the correspondence of the Society and of the Executive Council and shall perform such other duties as the Council may assign to them.

3. The Treasurer shall receive and have the custody of the funds of the Society and shall disburse the same subject to the rules and under the direction of the Executive Council. The fiscal year shall begin on the first day of January.

4. The Executive Council shall have charge of the general interests of the Society, shall call regular and special meetings of the Society and arrange the programs therefor, shall appropriate money, shall appoint from among its members an Executive Committee and other committees and their chairmen, with appropriate powers, and shall have full power to issue or arrange for the issue of a periodical or other publications, and in general possess the governing power in the Society, except as otherwise specifically provided in this Constitution. The Executive Council shall have the power to fill vacancies in its membership occasioned by death, resignation, failure to elect, or other cause, such appointees to hold office until the next annual election.

Nine members shall constitute a quorum of the Executive Council, and a majority vote of those in attendance shall control its decisions.

5. The Executive Committee shall have full power to act for the Executive Council when the Executive Council is not in session.

6. The Executive Council shall elect a Chairman, who shall preside at its meetings in the absence of the President, and who shall also be Chairman of the Executive Committee.

## ARTICLE VI

*Meetings*

The Society shall meet annually at a time and place to be determined by the Executive Council for the election of officers and the transaction of such other business as the Council may determine.

Special meetings may be held at any time and place on the call of the Executive Council or at the written request of thirty members on the call of the Secretary. At least ten days' notice of such special meeting shall be given to each member of the Society by mail, specifying the object of the meeting, and no other business shall be considered at such meeting.

Twenty-five members shall constitute a quorum at all regular and special meetings of the Society and a majority vote of those present and voting shall control its decisions.

## ARTICLE VII

### *Resolutions*

All resolutions which shall be offered at any meeting of the Society shall, in the discretion of the presiding officer, or on the demand of three members, be referred to the appropriate committee or the Council, and no vote shall be taken until a report shall have been made thereon

## ARTICLE VIII

### *Amendments*

This Constitution may be amended at any annual or special meeting of the Society by a majority vote of the members present and voting. But all amendments to be proposed at any meeting shall first be referred to the Executive Council for consideration and shall be submitted to the members of the Society at least ten days before such meeting.

## AMENDMENT

### ARTICLE I<sup>3</sup>

Article IV is hereby amended by inserting after the words "The officers of the Society shall consist of a President," the words "an Honorary President."

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<sup>3</sup>This amendment was adopted at the business meeting held April 24, 1909.

EIGHTH ANNUAL MEETING  
OF THE  
AMERICAN SOCIETY OF INTERNATIONAL LAW  
NEW WILLARD HOTEL, WASHINGTON, D. C.  
APRIL 22-25, 1914

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FIRST SESSION

Wednesday, April 22, 1914, 8 o'clock p.m.

The eighth annual meeting of the American Society of International Law was called to order by the President of the Society, Honorable ELIHU ROOT.

The PRESIDENT. In opening the annual meeting of the American Society of International Law, I will guard against your leaving before the President's address is finished by making the necessary announcement now that tomorrow morning at 10 o'clock in this place the conference on the teaching of international law in the educational institutions of the United States will begin. I understand the representatives of some fifty of the chief educational institutions of the country are to participate in that conference, which will be a part of this annual meeting.

Notwithstanding that the preceding year has been marked by much bloodshed and the other terrible accompaniments of war, progress in the cause of international arbitration and the peaceful settlement of International disputes has not lagged.

The Secretary of State of the United States has secured the acceptance in principle of 34 governments to his plan for the constitution of international commissions of inquiry for the investigation of international disputes which diplomacy may fail to adjust. According to the plan, the nations in controversy may not declare war or begin hostilities pending the report of these commissions. The nations which have accepted this form of treaty in principle are: Italy, Great Britain,

France, Brazil, Sweden, Norway, Russia, Peru, Austria-Hungary, Netherlands, Bolivia, Germany, Argentina, China, Dominican Republic, Guatemala, Haiti, Spain, Portugal, Belgium, Denmark, Chile, Cuba, Costa Rica, Salvador, Switzerland, Paraguay, Panama, Honduras, Nicaragua, Japan, Persia, Ecuador, and Venezuela. Treaties of this character have actually been negotiated with Salvador, Guatemala, Panama, Honduras, Nicaragua, Netherlands, Bolivia, Portugal, Persia, Switzerland, Costa Rica, Dominican Republic, Venezuela, and Denmark, a total of fourteen. These treaties are not intended as substitutes for the general arbitration treaties negotiated by the United States in 1908, but are intended to accompany and complement them. The Secretary of State is accordingly renewing as fast as they expire the general arbitration treaties of 1908 and the Senate is advising and consenting to their ratification. Up to the present time, renewals have been signed with France, Spain, Great Britain, Norway, Sweden, Japan, Portugal, Switzerland, Italy, Costa Rica, and Paraguay. Ratifications of the renewals have so far been exchanged with France, Spain, Great Britain, Norway, Sweden, and Italy.

Nor have activities along this line been confined to the United States. On May 3, 1913, Panama and Spain exchanged ratifications of a general arbitration treaty signed on July 25, 1912, and during the preceding fall and winter general arbitration treaties were renewed between Austria-Hungary and Switzerland, France and Great Britain, France and Italy, Great Britain and Spain, and France and Spain.

The disposition of the nations to settle their differences by peaceful means is even more strikingly shown in the number of cases which have actually arisen during the preceding year than in the number of arbitration treaties negotiated. On April 3, 1913, the Netherlands and Portugal referred to an arbitrator, to be chosen from among the members of the Permanent Court of Arbitration at The Hague, the questions in dispute between them relating to the boundary lines of their respective possessions in the Island of Timor. In May and June, 1913, an arbitral tribunal met in Washington to hear and determine pecuniary claims between the United States and Great Britain amounting to hundreds of thousands of dollars. Subsequently, the tribunal held a session at Ottawa and has now returned to this city, where the arbitration is at the present time in progress.

There is also pending in this city at the present time an arbitration

before the Chief Justice of the United States of the boundary controversy between Panama and Costa Rica, submitted by the treaty of March 17, 1910.

On May 4, 1913, the French and Italian Governments signed a declaration confirming their mutual intentions of putting no obstacles in each other's way in regard to their actions respecting the French in Morocco and the Italians in Libya. This is the concluding act in a long series of conventions and declarations between the great Powers of Europe, growing out of their controversies over their respective interests in North Africa, the peaceful settlement of which depended in a large measure upon the adjustment of the Moroccan situation.

On May 6, 1913, the Permanent Court of Arbitration at The Hague rendered its decision in the arbitration between France and Turkey, growing out of the seizure of the French steamers *Carthage* and *Manouba* during the recent war between Italy and Turkey. By its decision, the Italian Government was required to pay to the French Government 164,000 francs on account of the seizure of these two vessels.

On July 3, 1913, Persia and Turkey entered into an agreement to refer the disputes over their boundary line to a commission composed of delegates of Turkey, Persia, Great Britain, and Russia.

On July 31, 1913, an agreement was signed between Portugal, on the one hand, and France, Great Britain and Spain, on the other, referring to the Permanent Court of Arbitration at The Hague the differences between Portugal and the other Powers growing out of the confiscation of church lands by the Portuguese Government.

On September 10, 1913, an agreement was signed by France and Haiti, submitting to arbitration the claims of France against Haiti made in 1910 conjointly with the United States, Germany, Great Britain and Italy.

On October 14, 1913, an agreement was signed between France and Turkey, providing for mutual concessions relative to railroads, customs duties, foreign postal bureaus, etc.

On February 2, 1914, France and Peru agreed to submit mutual claims to the arbitration of the Permanent Court of Arbitration at The Hague.

A number of other matters of importance to the members of the Society should also be referred to.

The following international congresses have been held during the

year: The Eleventh International Conference on Maritime Law met at Copenhagen, May 13th; the Nineteenth Annual Lake Mohonk Conference on International Arbitration was in session May 14-16; the Second World Congress of International Associations met at Brussels June 15-19; the International Conference relating to Bills of Exchange met at The Hague June 15 to July 23; the Thirty-third Congress of the International Literary and Artistic Property Association met at The Hague July 16-19; the International Conference for the Protection of Children met at Brussels July 23-26; the Institute of International Law held an important meeting at Oxford, England, August 4-9; the Twentieth Universal Peace Congress met at The Hague August 20-23; the Eighth International Congress of Students met at Buffalo, N. Y., August 29 to September 20; the Eighteenth Annual Meeting of the Interparliamentary Union took place at The Hague September 3-6; the Third International Aërial Congress met at Frankfort-on-the-Maine, September 25-27; the International Law Association met at Madrid October 1; the International Congress on Safety at Sea met at London November 14 and held its last meeting January 20, 1914.

A second international opium conference was held at The Hague from July 1 to July 9, 1913. This conference was called for the purpose of considering the deposit of ratifications of the International Opium Convention adopted at the first international opium conference which met at The Hague from December 1, 1911, to January 23, 1912. The recent conference disclosed that thirty-six countries had at that time signed the International Opium Convention and that it was expected that the few remaining Powers would shortly sign, so as to make it possible to put the convention into effect. The history of the world-wide movement to suppress the opium traffic and the results accomplished by the International Opium Convention are familiar to the members of the Society, who have been regularly kept informed through the columns of the *JOURNAL* by articles and editorials dealing with the subject.

It is a matter of very great regret that it cannot be definitely stated at this time that the Third Hague Peace Conference will be held next year, in accordance with the wish expressed by the Second Peace Conference. It will be remembered that, in accordance with that wish, an international preparatory committee was to be appointed some two years in advance of the holding of the conference, to collect the various

proposals which might be brought forward for submission to the conference, to ascertain what subjects were ripe for embodiment in an international regulation, to prepare a program for the conference and to formulate a system of organization and procedure. This international preparatory committee has not as yet been formed, although a number of nations have appointed what might be called local committees to prepare this material for their respective governments. The Government of the United States is not, however, allowing the calling of the conference at the appointed time to go by default, for on the 31st of January last the Secretary of State suggested to the governments which took part in the Second International Peace Conference, with a view to facilitate the consideration and preparation of the program of the next conference, that the duties of the international preparatory committee shall be committed to the Administrative Council of the Permanent Court of Arbitration at The Hague. It is to be hoped that this suggestion will meet with a ready response, for, if the appointment of the preparatory committee be expedited in this way, there is still time between now and the summer of 1915 to make the necessary preparations for the Third Conference.

The attention of the members of the Society has been called from time to time, through the editorial columns of the JOURNAL, to the proposal to establish an Academy of International Law at The Hague, and it is my very great pleasure tonight to be able to state that final arrangements have now been completed between the committee in charge of the establishment of the Academy and the Division of International Law of the Carnegie Endowment for International Peace to open the Academy during the present year. According to the statutes which have been adopted to govern the management of the Academy, its purpose is to provide a center of advanced studies in international law, both public and private, and in the related sciences, for the purpose of facilitating a profound and impartial study of questions bearing upon international legal relations, especially the conventions of The Hague and other conferences and the awards of the various Hague Tribunals. To this end, the most competent men of different countries will be invited to lecture on important subjects relating to international theory, practice, legislation, and jurisprudence. The courses will be given during the months of July, August, September, and October. An indispensable prerequisite to the success of this unique institution will be the attendance of a student body made up of com-



petent persons from different countries of the world, in order that the Academy may render that international service which is the reason and justification for its establishment. It is, therefore, hoped that the members of the Society will take an active interest in the Academy and promote as much as possible the attendance of students from the United States upon its courses.

I wish now to ask your attention for a few minutes to some observations upon the Monroe Doctrine.

### THE REAL MONROE DOCTRINE

OPENING ADDRESS OF ELIHU ROOT,  
*President of the Society*

#### GENTLEMEN OF THE SOCIETY:

I ask your attention for a few minutes to some observations upon the Monroe Doctrine. If I am justified in taking your time it will be not because I say anything novel, but because there is occasion for restating well settled matters which seem to have been overlooked in some recent writings on the subject.

We are all familiar with President Monroe's famous message of December 2, 1823:

The occasion has been judged proper for asserting as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Powers \* \* \*

\* \* \* \* \*

In the wars of the European Powers in matters relating to themselves we have never taken any part, nor does it comport with our policy to do so. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defense. With the movements in this hemisphere we are of necessity more immediately connected and by causes which must be obvious to all enlightened and impartial observers.

We owe it, therefore, to candor, and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European Power we have not interfered and shall not inter-



fere. But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner, their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between these new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this government, shall make a corresponding change on the part of the United States indispensable to their security. \* \* \*

It is impossible that the allied Powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference.

The occasion for these declarations is a familiar story—the revolt of the Spanish provinces in America which Spain, unaided, was plainly unable to reduce to their former condition of dependence; the reaction against liberalism in Europe which followed the downfall of Napoleon and the restoration of the Bourbons to the throne of France; the formation of the Holy Alliance; the agreement of its members at the conferences of Aix la Chapelle and Laybach and Verona for the insurance of monarchy against revolution; the restoration of Ferdinand the Seventh to the throne of Spain by the armed power of France pursuant to this agreement; the purpose of the Alliance to follow the restoration of monarchy in Spain by the restoration of that monarchy's control over its colonies in the New World; the claims both of Russia and of Great Britain to rights of colonization on the Northwest coast; the proposals of Mr. Canning to Richard Rush for a joint declaration of principles by England and the United States adverse to the interference of any other European Power in the contest between Spain and her former colonies; the serious question raised by this proposal as to the effect of a joint declaration upon the American policy of avoiding entangling alliances.

The form and phrasing of President Monroe's message were adapted to meet these conditions. The statements made were intended to carry specific information to the members of the Holy Alliance that an

attempt by any of them to coerce the new states of South America would be not a simple expedition against weak and disunited colonies, but the much more difficult and expensive task of dealing with the formidable maritime power of the United States as well as the opposition of England, and they were intended to carry to Russia and incidentally to England the idea that rights to territory in the New World must thenceforth rest upon then existing titles, and that the United States would dispute any attempt to create rights to territory by future occupation.

It is undoubtedly true that the specific occasions for the declaration of Monroe no longer exist. The Holy Alliance long ago disappeared. The nations of Europe no longer contemplate the vindication of monarchical principles in the territory of the New World. France, the most active of the Allies, is herself a republic. No nation longer asserts the right of colonization in America. The general establishment of diplomatic relations between the Powers of Europe and the American republics, if not already universal, became so when, pursuant to the formal assent of the Powers, all the American republics were received into the Second Conference at The Hague and joined in the conventions there made, upon the footing of equal sovereignty, entitled to have their territory and independence respected under that law of nations which formerly existed for Europe alone.

The declaration, however, did more than deal with the specific occasion which called it forth. It was intended to declare a general principle for the future, and this is plain not merely from the generality of the terms used but from the discussions out of which they arose and from the understanding of the men who took part in the making and of their successors.

When Jefferson was consulted by President Monroe before the message was sent he replied:

The question presented by the letters you have sent me is the most momentous which has ever been offered to my contemplation since that of independence. That made us a nation; this sets our compass and points the course which we are to steer through the ocean of time opening on us. And never could we embark upon it under circumstances more auspicious. Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cisatlantic affairs.

Three years later Daniel Webster declared that the doctrine involved the honor of the country. He said in the House of Representatives:

I look upon it as a part of its treasures of reputation; and, for one, I intend to guard it. \* \* \* I will neither help to erase it or tear it out; nor shall it be, by any act of mine, blurred or blotted. It did honor to the sagacity of the government, and will not diminish that honor.

Mr. Cleveland said in his message of December 17, 1895:

The doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinctive form of government. It was intended to apply to every stage of our national life and can not become obsolete while our republic endures.

As the particular occasions which called it forth have slipped back into history, the declaration itself, instead of being handed over to the historian, has grown continually a more vital and insistent rule of conduct for each succeeding generation of Americans. Never for a moment have the responsible and instructed statesmen in charge of the foreign affairs of the United States failed to consider themselves bound to insist upon its policy. Never once has the public opinion of the people of the United States failed to support every just application of it as new occasion has arisen. Almost every president and secretary of state has restated the doctrine with vigor and emphasis in the discussion of the diplomatic affairs of his day. The governments of Europe have gradually come to realize that the existence of the policy which Monroe declared is a stubborn and continuing fact to be recognized in their controversies with American countries. We have seen Spain, France, England, Germany, with admirable good sense and good temper, explaining beforehand to the United States that they intended no permanent occupation of territory, in the controversy with Mexico forty years after the declaration, and in the controversy with Venezuela eighty years after. In 1903 the Duke of Devonshire declared "Great Britain accepts the Monroe Doctrine unreservedly." Mr. Hay coupled the Monroe Doctrine and the Golden Rule as cardinal guides of American diplomacy. Twice within very recent years the whole treaty making power of the United States has given its formal

approval to the policy by the reservations in the signature and in the ratification of the arbitration conventions of the Hague Conferences, expressed in these words by the Senate resolution agreeing to ratification of the convention of 1907:

Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state, nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude towards purely American questions.

It seems fair to assume that a policy with such a history as this has some continuing and substantial reason underlying it; that it is not outworn or meaningless or a purely formal relic of the past, and it seems worth while to consider carefully what the doctrine is and what it is not.

No one ever pretended that Mr. Monroe was declaring a rule of international law or that the doctrine which he declared has become international law. It is a declaration of the United States that certain acts would be injurious to the peace and safety of the United States and that the United States would regard them as unfriendly. The declaration does not say what the course of the United States will be in case such acts are done. That is left to be determined in each particular instance. Mr. Calhoun said, in the Senate debate on the Yucatan Bill, in 1848:

Whether you will resist or not and the measure of your resistance—whether it shall be by negotiations, remonstrance, or some intermediate measure or by a resort to arms; all this must be determined and decided on the merits of the question itself. This is the only wise course. \* \* \* There are cases of interposition where I would resort to the hazard of war with all its calamities. Am I asked for one? I will answer. I designate the case of Cuba.

In particular instances indeed the course which the United States would follow has been been very distinctly declared, as when Mr. Seward said, in 1865:

It has been the President's purpose that France should be respectfully informed upon two points; namely, first, that the United States earnestly desire to continue and to cultivate sincere friendship with France. Secondly, that this policy would be brought in imminent jeopardy unless France could deem it consistent with her honor to desist from the prosecution of armed intervention in Mexico to overthrow the domestic republican government existing there and to establish upon its ruins the foreign monarchy which has been attempted to be inaugurated in the capital of that country.

So Secretary Buchanan said, in 1848:

The highest and first duty of every independent nation is to provide for its own safety; and acting upon this principle, we should be compelled to resist the acquisition of Cuba by any powerful maritime state, with all means which Providence has placed at our command.

And Secretary Clayton said, in 1849:

The news of the cession of Cuba to any foreign Power would in the United States be the instant signal for war. No foreign Power would attempt to take it that did not expect a hostile collision with us as an inevitable consequence.

The doctrine is not international law, but it rests upon the right of self-protection and that right is recognized by international law. The right is a necessary corollary of independent sovereignty. It is well understood that the exercise of the right of self-protection may and frequently does extend in its effect beyond the limits of the territorial jurisdiction of the state exercising it. The strongest example probably would be the mobilization of an army by another Power immediately across the frontier. Every act done by the other Power may be within its own territory. Yet the country threatened by the state of facts is justified in protecting itself by immediate war. The most common exercise of the right of self-protection outside of a state's own territory and in time of peace is the interposition of objection to the occupation of territory, of points of strategic military or maritime advantage, or to indirect accomplishment of this effect by dynastic arrangement. For example, the objection of England in 1911 to the occupation of a naval station by Germany on the Atlantic coast of

Morocco; the objection of the European Powers generally to the vast force of Russia extending its territory to the Mediterranean; the revision of the Treaty of San Stefano by the Treaty of Berlin; the establishment of buffer states; the objection to the succession of a German prince to the throne of Spain; the many forms of the eastern question; the centuries of struggle to preserve the balance of power in Europe; all depend upon the very same principle which underlies the Monroe Doctrine; that is to say, upon the right of every sovereign state to protect itself by preventing a condition of affairs in which it will be too late to protect itself. Of course, each state must judge for itself when a threatened act will create such a situation. If any state objects to a threatened act and the reasonableness of its objection is not assented to, the efficacy of the objection will depend upon the power behind it.

It is doubtless true that in the adherence of the American people to the original declaration there was a great element of sentiment and of sympathy for the people of South America who were struggling for freedom, and it has been a source of great satisfaction to the United States that the course which it took in 1823 concurrently with the action of Great Britain played so great a part in assuring the right of self-government to the countries of South America. Yet it is to be observed that in reference to the South American governments, as in all other respects, the international right upon which the declaration expressly rests is not sentiment or sympathy or a claim to dictate what kind of government any other country shall have, but the safety of the United States. It is because the new governments can not be overthrown by the allied Powers "without endangering our peace and happiness;" that "the United States can not behold such interposition in any form with indifference."

We frequently see statements that the doctrine has been changed or enlarged; that there is a new or different doctrine since Monroe's time. They are mistaken. There has been no change. One apparent extension of the statement of Monroe was made by President Polk in his messages of 1845 and 1848, when he included the acquisition of territory by a European Power through cession as dangerous to the safety of the United States. It was really but stating a corollary to the doctrine of 1823 and asserting the same right of self-protection against the other American states as well as against Europe.



This corollary has been so long and uniformly agreed to by the government and the people of the United States that it may fairly be regarded as being now a part of the doctrine.

But, all assertions to the contrary notwithstanding, there has been no other change or enlargement of the Monroe Doctrine since it was first promulgated. It must be remembered that not everything said or written by Secretaries of State or even by Presidents constitutes a national policy or can enlarge or modify or diminish a national policy.

It is the substance of the thing to which the nation holds and that is and always has been that the safety of the United States demands that American territory shall remain American.

The Monroe Doctrine does not assert or imply or involve any right on the part of the United States to impair or control the independent sovereignty of any American state. In the lives of nations as of individuals, there are many rights unquestioned and universally conceded. The assertion of any particular right must be considered, not as excluding all others but as coincident with all others which are not inconsistent. The fundamental principle of international law is the principle of independent sovereignty. Upon that all other rules of international law rest. That is the chief and necessary protection of the weak against the power of the strong. Observance of that is the necessary condition to the peace and order of the civilized world. By the declaration of that principle the common judgment of civilization awards to the smallest and weakest state the liberty to control its own affairs without interference from any other Power, however great.

The Monroe Doctrine does not infringe upon that right. It asserts the right. The declaration of Monroe was that the rights and interests of the United States were involved in maintaining a condition, and the condition to be maintained was the independence of all the American countries. It is "the free and independent condition which they have assumed and maintained" which is declared to render them not subject to future colonization. It is "the governments who have declared their independence and maintained it and whose independence we have on great consideration and on just principles acknowledged" that are not to be interfered with. When Mr. Canning's proposals for a joint declaration were under consideration by the Cabinet in the month before the famous message was sent, John Quincy Adams, who played the major part in forming the policy, declared the basis of it in these words:

Considering the South Americans as independent nations, they themselves and no other nation had the right to dispose of their condition. We have no right to dispose of them either alone or in conjunction with other nations. Neither have any other nations the right of disposing of them without their consent.

In the most critical and momentous application of the doctrine, Mr. Seward wrote to the French Minister:

France need not for a moment delay her promised withdrawal of military forces from Mexico and her putting the principle of non-intervention into full and complete practice in regard to Mexico through any apprehension that the United States will prove unfaithful to the principles and policy in that respect which on their behalf it has been my duty to maintain in this now very lengthened correspondence. The practice of this government from its beginning is a guarantee to all nations of the respect of the American people for the free sovereignty of the people in every other state. We received the instruction from Washington. We applied it sternly in our early intercourse even with France. The same principle and practice have been uniformly inculcated by all our statesmen, interpreted by all our jurists, maintained by all our Congresses, and acquiesced in without practical dissent on all occasions by the American people. It is in reality the chief element of foreign intercourse in our history.

In his message to Congress of December 3, 1906, President Roosevelt said:

In many parts of South America there has been much misunderstanding of the attitude and purposes of the United States toward the other American republics. An idea had become prevalent that our assertion of the Monroe Doctrine implied or carried with it an assumption of superiority and of a right to exercise some kind of protectorate over the countries to whose territory that doctrine applies. Nothing could be farther from the truth.

He quoted the words of the Secretary of State then in office to the recent Pan-American Conference at Rio Janeiro:

We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire and we deem the observance of that respect the chief guaranty of the weak against the



oppression of the strong. We neither claim nor desire any rights or privileges or powers that we do not freely concede to every American republic.

And the President then proceeded to say of these statements:

They have my hearty approval, as I am sure they will have yours, and I can not be wrong in the conviction that they correctly represent the sentiments of the whole American people. I can not better characterize the true attitude of the United States in its assertion of the Monroe Doctrine than in the words of the distinguished former minister of foreign affairs of Argentina, Doctor Drago \* \* \* "the traditional policy of the United States without accentuating superiority or seeking preponderance condemned the oppression of the nations of this part of the world and the control of their destinies by the great Powers of Europe."

Curiously enough, many incidents and consequences of that independent condition itself which the United States asserted in the Monroe Doctrine have been regarded in some quarters as infringements upon independence resulting from the Monroe Doctrine. Just as the personal rights of each individual free citizen in the state are limited by the equal rights of every other free individual in the same state so the sovereign rights of each independent state are limited by the equal sovereign rights of every other independent state. These limitations are not impairments of independent sovereignty. They are the necessary conditions to the existence of independent sovereignty. If the Monroe Doctrine had never been declared or thought of, the sovereign rights of each American republic would have been limited by the equal sovereign rights of every other American republic, including the United States. The United States would have had a right to demand from every other American state observance of treaty obligations and of the rules of international law. It would have had the right to insist upon due protection for the lives and property of its citizens within the territory of every other American state, and upon the treatment of its citizens in that territory according to the rules of international law. The United States would have had the right as against every other American state to object to acts which the United States might deem injurious to its peace and safety just as it had the right to object to such acts as against any European Power and just as all European and American Powers have the right to object to such acts

as against each other. All these rights which the United States would have had as against other American states it has now. They are not in the slightest degree affected by the Monroe Doctrine. They exist now just as they would have existed if there had been no Monroe Doctrine. They are neither greater nor less because of that doctrine. They are not rights of superiority, they are rights of equality. They are the rights which all equal independent states have as against each other. And they cover the whole range of peace and war.

It happens, however, that the United States is very much bigger and more powerful than most of the other American republics. And when a very great and powerful state makes demands upon a very small and weak state it is difficult to avoid a feeling that there is an assumption of superior authority involved in the assertion of superior power, even though the demand be based solely upon the right of equal against equal. An examination of the various controversies which the United States has had with other American Powers will disclose the fact that in every case the rights asserted were rights not of superiority but of equality. Of course it can not be claimed that great and powerful states shall forego their just rights against smaller and less powerful states. The responsibilities of sovereignty attach to the weak as well as to the strong, and a claim to exemption from those responsibilities would imply not equality but inferiority. The most that can be said concerning a question between a powerful state and a weak one is that the great state ought to be especially considerate and gentle in the assertion and maintenance of its position; ought always to base its acts not upon a superiority of force, but upon reason and law; and ought to assert no rights against a small state because of its weakness which it would not assert against a great state notwithstanding its power. But in all this the Monroe Doctrine is not concerned at all.

The scope of the doctrine is strictly limited. It concerns itself only with the occupation of territory in the New World to the subversion or exclusion of a preëxisting American government. It has not otherwise any relation to the affairs of either American or European states. In good conduct or bad, observance of rights or violations of them, agreement or controversy, injury or reprisal, coercion or war, the United States finds no warrant in the Monroe Doctrine for interference. So Secretary Cass wrote, in 1858:

With respect to the causes of war between Spain and Mexico, the United States have no concern, and do not undertake to judge them. Nor do they claim to interpose in any hostilities which may take place. Their policy of observation and interference is limited to the permanent subjugation of any portion of the territory of Mexico, or of any other American state, to any European Power whatever.

So Mr. Seward wrote, in 1861, concerning the allied operation against Mexico:

As the undersigned has heretofore had the honor to inform each of the plenipotentiaries now addressed, the President does not feel at liberty to question, and does not question, that the sovereigns represented have undoubted right to decide for themselves the fact whether they have sustained grievances, and to resort to war against Mexico for the redress thereof, and have a right also to levy the war severally or jointly.

So when Germany, Great Britain and Italy united to compel by naval force a response to their demands on the part of Venezuela, and the German Government advised the United States that it proposed to take coercive measures to enforce its claims for damages and for money against Venezuela, adding, "We declare especially that under no circumstances do we consider in our proceedings the acquisition or permanent occupation of Venezuelan territory," Mr. Hay replied that the Government of the United States although it "regretted that European Powers should use force against Central and South American countries, could not object to their taking steps to obtain redress for injuries suffered by their subjects, provided that no acquisition of territory was contemplated."

Quite independently of the Monroe Doctrine, however, there is a rule of conduct among nations under which each nation is deemed bound to render the good offices of friendship to the others when they are in trouble. The rule has been crystallized in the provisions of The Hague Convention for the Pacific Settlement of International Disputes. Under the head of "The Maintenance of General Peace" in that convention substantially all the Powers of the world have agreed:

With a view to obviating as far as possible recourse to force in the relations between states, the contracting Powers agree to

use their best efforts to ensure the pacific settlement of international differences.

In case of serious disagreement or dispute, before an appeal to arms, the contracting Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

Independently of this recourse, the contracting Powers deem it expedient and desirable that one or more Powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the states at variance \* \* \*. The exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act.

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the states at variance.

The United States has frequently performed this duty in controversies between American republics among themselves and between American republics and European states. So in the controversy last referred to, the United States used its good offices to bring about a series of arbitrations which superseded the resort to force determined upon by the allied Powers against Venezuela. She did this upon the request of Venezuela. She did it in the performance of no duty and the exercise of no right whatever except the duty and the right of friendship between equal sovereign states. The Monroe Doctrine has nothing whatever to do with acts of this description; yet many times censorious critics, unfamiliar with the facts and uninstructed in the customs and rules of action in the international world, have accused the United States in such cases of playing the rôle of schoolmaster, of assuming the superiority of guardianship, of aiming at a protectorate.

As the Monroe Doctrine neither asserts nor involves any right of control by the United States over any American nation, it imposes upon the United States no duty towards European Powers to exercise such a control. It does not call upon the United States to collect debts or coerce conduct or redress wrongs or revenge injuries. If matters ever come to a point where in any American country the United States intervenes by force to prevent or end an occupation of territory to the subversion or exclusion of an American government, doubtless new rights and obligations will arise as a result of the acts done in the course of the intervention. Unless such a situation shall have

arisen there can be no duty on the part of the United States beyond the exercise of good offices as between equal and independent nations.

There are indeed special reasons why the United States should perform that duty of equal friendship to the full limit of international custom and international ethics as declared in the Hague Convention, whenever occasion arises in controversy between American and European Powers. There is a motive for that in the special sympathy and friendship for the gradually developing republics of the south which the American people have always felt since the days of Monroe and John Quincy Adams and Richard Rush and Henry Clay. There is a motive in the strong desire of our government that no controversy between a European and an American state shall ever come to the point where the United States may be obliged to assert by force the rule of national safety declared by Monroe. And there is a motive in the proper desire of the United States that no friendly nation of Europe or America shall be injured or hindered in the prosecution of its rights in any way or to any extent that can possibly be avoided because that nation respects the rule of safety which Mr. Monroe declared and we maintain. None of these reasons for the exercise of the good offices of equality justifies nor do all of them together justify the United States in infringing upon the independence or ignoring the equal rights of the smallest American state.

Nor has the United States ever in any instance during the period of almost a century which has elapsed, made the Monroe Doctrine or the motives which lead us to support it the ground or excuse for overstepping the limits which the rights of equal sovereignty set between equal sovereign states.

Since the Monroe Doctrine is a declaration based upon this nation's right of self-protection, it can not be transmuted into a joint or common declaration by American states or any number of them. If Chile or Argentina or Brazil were to contribute the weight of her influence toward a similar end, the right upon which that nation would rest its declaration would be its own safety, not the safety of the United States. Chile would declare what was necessary for the safety of Chile. Argentina would declare what was necessary for the safety of Argentina. Brazil, what was necessary for the safety of Brazil. Each nation would act for itself and in its own right and it would be impossible to go beyond that except by more or less offensive and defensive alliances. Of course, such alliances are not to be considered.

It is plain that the building of the Panama Canal greatly accentuates the practical necessity of the Monroe Doctrine as it applies to all the territory surrounding the Caribbean or near the Bay of Panama. The plainest lessons of history and the universal judgment of all responsible students of the subject concur in teaching that the potential command of the route to and from the Canal must rest with the United States and that the vital interests of the nation forbid that such command shall pass into other hands. Certainly no nation which has acquiesced in the British occupation of Egypt will dispute this proposition. Undoubtedly as one passes to the south and the distance from the Caribbean increases, the necessity of maintaining the rule of Monroe becomes less immediate and apparent. But who is competent to draw the line? Who will say, "To this point the rule of Monroe should apply; beyond this point, it should not"? Who will say that a new national force created beyond any line that he can draw will stay beyond it and will not in the long course of time extend itself indefinitely?

The danger to be apprehended from the immediate proximity of hostile forces was not the sole consideration leading to the declaration. The need to separate the influences determining the development and relation of states in the New World from the influences operating in Europe played an even greater part. The familiar paragraphs of Washington's Farewell Address upon this subject were not rhetoric. They were intensely practical rules of conduct for the future guidance of the country:

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course.

It was the same instinct which led Jefferson, in the letter to Monroe already quoted, to say:

Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cisatlantic affairs.



The concurrence of Washington and Hamilton and Jefferson in the declaration of this principle of action entitles it to great respect. They recalled the long period during which every war waged in Europe between European Powers and arising from European causes of quarrel was waged also in the New World. English and French and Spanish and Dutch killed and harried each other in America, not because of quarrels between the settlers in America, but because of quarrels between the European Powers having dominion over them. Separation of influences as absolute and complete as possible was the remedy which the wisest of Americans agreed upon. It was one of the primary purposes of Monroe's declaration to insist upon this separation, and to accomplish it he drew the line at the water's edge. The problem of national protection in the distant future is one not to be solved by the first impressions of the casual observer, but only by profound study of the forces which, in the long life of nations, work out results. In this case the results of such a study by the best men of the formative period of the United States are supported by the instincts of the American democracy holding steadily in one direction for almost a century. The problem has not changed essentially. If the declaration of Monroe was right when the message was sent, it is right now. South America is no more distant today than it was then. The tremendous armaments and international jealousies of Europe afford little assurance to those who think we may now abandon the separatist policy of Washington. That South American states have become too strong for colonization or occupation is cause for satisfaction. That Europe has no purpose or wish to colonize American territory is most gratifying. These facts may make it improbable that it will be necessary to apply the Monroe Doctrine in the southern parts of South America; but they furnish no reason whatever for retracting or denying or abandoning a declaration of public policy, just and reasonable when it was made, and which, if occasion for its application shall arise in the future, will still be just and reasonable.

A false conception of what the Monroe Doctrine is, of what it demands and what it justifies, of its scope and of its limits, has invaded the public press and affected public opinion within the past few years. Grandiose schemes of national expansion invoke the Monroe Doctrine. Interested motives to compel Central or South American countries to do or refrain from doing something by which individual Americans

may profit invoke the Monroe Doctrine. Clamors for national glory from minds too shallow to grasp at the same time a sense of national duty invoke the Monroe Doctrine. The intolerance which demands that control over the conduct and the opinions of other peoples which is the essence of tyranny invoke the Monroe Doctrine. Thoughtless people who see no difference between lawful right and physical power assume that the Monroe Doctrine is a warrant for interference in the internal affairs of all weaker nations in the New World. Against this supposititious doctrine, many protests both in the United States and in South America have been made, and justly made. To the real Monroe Doctrine these protests have no application.

The PRESIDENT. Ladies and gentlemen: I have the very great pleasure of presenting to you the authoritative spokesman of the family from which the Monroe Doctrine sprang, who will give us some observations upon the origin of the declaration, Mr. Charles Francis Adams.

## THE ORIGIN OF THE MONROE DOCTRINE

ADDRESS OF CHARLES FRANCIS ADAMS

Sixty-eight years ago, the 6th of December last, J. Q. Adams, at the time serving in Congress, had occasion to meet George Bancroft, the historian, then Secretary of the Navy in the Cabinet of James K. Polk. Of what passed Mr. Adams, after his wont, next day made a detailed diary record. In so doing he incidentally observed that the manner of the Secretary was conciliatory and apparently cordial; and then added, Mr. Bancroft "seemed anxious to know my opinion" on the parts of the annual message of Mr. Polk, transmitted to Congress a few days previous, relating to the controversy with Great Britain over the Oregon boundary,—that known in history as the "Fifty-four Forty or Fight" message. Mr. Adams then went on as follows:

I said that I approved entirely of Mr. Polk's repeated assertion of the principle first announced by President James Monroe in a message to Congress, that the continents of North and South America were no longer to be considered as scenes for their future European colonization. [Mr. Bancroft] said he had heard that this part of the message of Mr. Monroe had been inserted by him at my suggestion. I told [Mr. Bancroft] that was true; that I had been authorized by [Mr. Monroe] to assert the principle in



a letter of instruction to Mr. Rush, then Minister in England, and had written the paragraph in the very words inserted by Mr. Monroe in his message. It was Mr. Monroe's custom, and has been, I believe, that of all the Presidents of the United States, to prepare their annual messages, and to receive from each of the heads of Departments paragraphs ready written relating to their respective Departments, and adopt them as written, or with such modifications as the writer of the message deemed advisable. That this principle thus inserted was disagreeable to all the principal European sovereigns I well knew.

The very memorable passage in Monroe's message here referred to is familiar. It reads as follows:

The American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by European powers. \* \* \* We should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power, we have not interfered and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration, and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States.

I am here this evening scheduled to speak on the Origin of the Monroe Doctrine, so-called, and it is in that connection I quote the above passages from the Memoirs of J. Q. Adams, and from the 1823 message of President Monroe. Historically speaking, my understanding is that in his remarks to Secretary Bancroft, Mr. Adams only referred to the first of two distinct and widely separated passages in the message,—that relating to colonization, as originating with him. The second passage bore on the aims at that time of those party to the Holy Alliance; and for this the paternity of George Canning is asserted; though, as it stands in the message, it was presumably submitted, "ready written," to the President by the Secretary of State. A distinction between the two passages must, under existing conditions,

be observed. As I shall presently have occasion to point out, the portion of the message of 1823 which related to colonization is now, under existing conditions, practically obsolete. It is, however, to a degree different as respects the portion relating to the independence of American nations in the sense of the popular phrase "America for the Americans." In this respect it may with a certain plausibility be claimed that the Monroe Doctrine is still alive, a sentiment the strength and vitality of which the lapse of years has not impaired.

Disposing thus of the Monroe Doctrine in both its parts, I will proceed further to premise that, as we all realize, nothing, whether in philosophy, history or law, is ever definitely settled, and every conclusion supposed to be finally arrived at is sure soon or late to be challenged. Accordingly, I want it at the outset distinctly understood that I am not now claiming for an ancestor of mine the origin of the doctrine referred to. It may, I admit, as has been contended, have been developed twenty years before; nor am I prepared either to advocate or dispute either of two later contentions,—one that his Secretary of State imposed it on a timid President, the other that a Bismarckian chief dictated it to an amazed and pallid scribe. My sole present purpose is to call attention to the fact that, as it appears in the message of 1823, the doctrine assumed shape from the pen of Mr. J. Q. Adams, then Secretary of State. Such being the case, we have a basis on which to discuss not only its origin but also its significance and intent. Knowing when it was formulated and by whom, we have to consider the environment and experiences of him who held the pen, and the objects he had in view under international conditions then prevailing.

The doctrine was enunciated in the closing months of 1823. The Secretary of State, who put it in form, was then in his fifty-seventh year. Born in 1767, his earliest and strongest impressions related to personal experiences in the eventful period between 1774, when his memories began, and 1782, when, a youth, the companion of his father and the other Commissioners representing the American Congress in Europe, he practically participated in the negotiation which transformed the United States from the condition of British provinces to an independent nationality. Later, he had himself come into public life during the wars of Napoleon, representing his country at various European courts,—The Hague, Berlin, St. Petersburg and London—

and, from positions of close proximity, studied anxiously the European situation as it then existed,—always with a view to American interests.

Bearing these facts in mind, it is not difficult, perhaps, to understand what J. Q. Adams was driving at when he set forth the doctrine. His thought naturally reverted to the conditions existing in his own country prior to and during the Revolutionary War,—that is, the colonial period and the provincial status—his mind being influenced and his expression colored by what he presumably had observed and gone through during a long and intimate subsequent European diplomatic experience. He was one of the very few who at that juncture understood both American conditions and European modes of thought and procedure. Under these conditions, what must he have been aiming at when he drafted the passage submitted by him and incorporated in President Monroe's message of 1823? To reach a conclusion on that point, it is necessary in the first place to separate ourselves from the present and have a clear conception of conditions then existing. It is to be remembered that in 1823 the world, just emerged from the Napoleonic Wars, was still, as compared with what it now is, largely mediæval.

Napoleon, "the armed soldier of Democracy," as he has been sometimes termed in that stilted phraseology in which men so delight, had been effectually suppressed. He was extinguished, and the turn of the despots had come. The Holy Alliance, so-called, signifying the absolute suppression of popular government, was in full swing. The United States had emerged from the War of 1812 a recognized sea Power; and the Spanish dependencies in America were carrying on their long struggle with the so-called "mother country." So Monroe's Secretary of State, recalling the experiences of his early youth and the lessons he had later learned in Europe, framed the doctrine as a manifesto of somewhat defiant character. Issued in the face of Europe, it was aimed at further American colonization by European Powers, combined with the proposed suppression of the struggling Latin American nationalities. It was, so to speak, a formal notification on the part of the American Republic, designed primarily to administer a check to any colonizing intentions on the part of European Powers, as colonization was understood in the period preceding the "sphere of influence" dispensation. Colonization, meanwhile, was in 1823 an entirely different thing from what it is now. The colony

was in the European conception what it had been in the days of Athens,—a dependency and adjunct of the mother state. Going further, the Holy Alliance, *quoad* America, was a reactionary movement looking to the perpetuation of that colonial status which Mr. Adams so distinctly recalled among the memories of his childhood. Out of that status the United States had painfully struggled, and the idea of Mr. Adams was to encourage other American colonies to move along the same lines to a similar result. On the other hand, knowing little or nothing of the antecedents of those colonies and dependencies, he gravely misconceived the situation. He had his countrymen and the English-speaking communities always in mind.

Meanwhile, every single condition referred to has since ceased to exist. The character of the problem has wholly changed. In the first place, both the American continents are now occupied, and occupied by responsible and independent Powers,—this with the exception of certain English-speaking dominions and dependencies, practically self-governing.

On the other hand, new industrial, financial, and racial movements have asserted themselves. In 1823 in this respect wholly undeveloped, the Americas, North and South, are now a favorite field for European investment. Their railroad lines, their banks, their improvements of every character, are largely held, and, in many cases, controlled and managed in European financial circles. A tide of emigration of the most pronounced character, composed of many different currents, has developed, from every country in Europe. This, as a voluntary migration and in its present form, dates from the Irish movement which set in a score of years after the Monroe Doctrine was promulgated. The more recent movements do not need to be referred to.

It is, however, a noticeable feature in our American development that, so far from bringing with them their own government, laws, and political institutions, there is no portion of the American population which would regard with so little favor the introduction of European methods or mother country practices as emigrants to America taken as a whole. This is true of the English, the French, the German, the Italian, and the Slav no less than of the Irish. One and all, they would object even more than the stock known as "native American" to that form of colonization at which the Monroe Doctrine was aimed. The doctrine as enunciated, therefore, is now obsolete. It has no apparent application to existing conditions and theories.

Moreover, it is to be remembered that it is a "doctrine," and in no respect a natural law; and if, I next submit, there is one thing politically more dangerous than another, it is a "doctrine," so-called, misapplied, or one which, having lost its original significance, is now applied in an unintelligent way, or a "jingo" spirit. Such a doctrine, degenerated into a cult or fetich, is apt to come in impact with some real underlying law of nature and, when it does, the result is—the unexpected!

Numerous examples at once suggest themselves of these "doctrines," hardened into accepted cults. Let one suffice. The "balance of power doctrine," now a by-word, a century ago was a terrible reality. Of it John Bright,—always a name to conjure with in America—has said:

I think I am not much mistaken in pronouncing the theory of the balance of power to be pretty nearly dead and buried. You can not comprehend at a thought what is meant by that balance of power. If the record could be brought before you—but it is not possible to the eye of humanity to scan the scroll upon which are recorded the sufferings which the theory of the balance of power has entailed upon this country. It rises up before me when I think of it as a ghastly phantom which during one hundred and seventy years, whilst it has been worshipped in this country, has loaded the nation with debt and with taxes, has sacrificed the lives of hundreds of thousands of Englishmen, has desolated the homes of millions of families. \* \* \* I am very glad to be able to say that we may rejoice that this foul idol—fouler than any heathen tribe ever worshipped—has at last been thrown down, and that there is one superstition less which has its hold upon the minds of English statesmen and of the English people.

Is it not barely possible that, as things are now tending, a century hence some future statesman or publicist may comment in not dissimilar terms on our Monroe Doctrine, the scope and significance of which is today, I submit, as little understood as was the scope and significance of the balance of power doctrine in Europe a century ago?

Returning, however, to my proper theme, the origin of the Monroe Doctrine, while today's existing conditions never in the remotest degree entered into the conception of the framer of that doctrine, and the conditions which then confronted him have since wholly disap-

peared, it is interesting to consider what results he contemplated as likely to ensue at a not remote day from the position assumed. Two of those results are, I think, apparent and indisputable. I refer, of course, to results existing in his conception of the probable outcome of the future as forecast from the 1823 standpoint.

Of hegemony we now hear much. As a political term it had in 1823 not come into existence. Greek in origin, even as late as 1860 it was explained in the *London Times* as "leadership among states," or, as that land of professors phrased it, "the hegemony of the Germanic Confederation." The origin of the term must, of course, be looked for in the history of ancient Greece, where it signified the leadership of Athens on the one hand, and Sparta on the other. There can be no question that, when enunciating the famous doctrine, Monroe's Secretary, a student of history as well as a scholarly man, had in mind a family of American States under the hegemony, or as he would have expressed it, the leadership of the United States; this country alone having then achieved a standing among nations, as well as independence. Using a familiar form of speech, the United States was, in Mr. Adams' mind, to be the "Big Brother" in that family circle. This fact is evidenced in the struggle over the Panama Congress, subsequently such a distinctive feature in the J. Q. Adams administration. The scheme, as we all know, proved abortive, and subsequent experience shows clearly that neither Mr. Adams nor Mr. Clay had any realizing sense of the limitations under which, humanly speaking, hegemony was practicable. Indeed, at that time, those limitations had not forced themselves on the minds of public men. Napoleon, for instance, planned that Eastern Europe, wholly irrespective of racial considerations, was to constitute a family, or circle, of kingdoms under the hegemony of France. He had not the faintest conception of a limiting law. We, a century later, after abundant lessons almost as severe as those incident to the balance of power dispensation, have had occasion to realize that hegemony, practically speaking, is only possible with communities of the same racial descent. A distinctly foreign element invariably asserts a disturbing presence. This, before his downfall, Napoleon had occasion to realize; and now the law may be studied in operation in the cases of Norway and Sweden, Holland and Belgium, Austria and Italy, Austria-Hungary, Great Britain and Ireland, and most recent of all, in that of the Balkans.



It is a long record of unending discords. Results in such cases are never satisfactory. For this reason, and under conditions now existing on the two American continents, the hegemonic application of the Monroe Doctrine is, I confidently submit, out of the question. Racial limitations bar the way. So much for hegemony, and the law of its limitation. I now pass to another law.

I will call it Mommsen's Law, because nowhere else than in Mommsen's History have I seen it stated with such Germanic directness, bordering on brutality. This law reads as follows:

By virtue of the law, that a people which has grown into a state absorbs its neighbors who are in political nonage, and a civilized people absorbs its neighbors who are in intellectual nonage—by virtue of this law, which is as universally valid and as much a law of nature as the law of gravity—the Italian nation (the only one in antiquity which was able to combine a superior political development and a superior civilization, though it presented the latter only in an imperfect and external manner) was entitled to reduce to subjection the Greek states of the East which were ripe for destruction, and to dispossess the peoples of lower grades of culture in the West—Libyans, Iberians, Celts, Germans—by means of its settlers; just as England with equal right has in Asia reduced to subjection a civilization of rival standing but politically impotent, and in America and Australia has marked and ennobled, and still continues to mark and enoble, extensive barbarian countries with the impress of its nationality. \* \* \* It is the imperishable glory of the Roman democracy or monarchy—for the two coincide—to have correctly apprehended and vigorously realized this its highest destination. (History of Rome, Book V, Chap VIII.)

Not until the framer of the Monroe Doctrine had been ten years in his grave did Mommsen lay the law down in these terms; yet Mr. Adams manifestly had its essence clearly in mind when he penned the doctrine incorporated in the message of 1823. In Europe he had been a careful observer of the forcible goings-on of Napoleon—Napoleonic “benevolent assimilation!” He had represented this country in Russia for a number of years, and as a reminiscence of that struggle for independence, which had figured so largely in the memory of his childhood, he vividly recalled the partition of Poland. It is unnatural to assume that these memories and lessons were not uppermost

in his mind when he put the Monroe Doctrine in written shape. So far as Europe and Mommsen's Law were concerned, exemplified in the case of Poland and practised by Napoleon, he wished to lay down for America a doctrine of "hands off." And this he did.

While both hegemony and Mommsen's Law were thus distinctly present in the enunciation of the Monroe Doctrine, the last entered into consideration only so far as Europe was concerned; and from that point of view the doctrine served its purpose. Both Mommsen's Law and the law of hegemonic limitation are, however, still operative; nor can they be left out of consideration in any discussion of the doctrine in its present possible application and practical working. The question presents itself,—has the United States, as the original "Big Brother," and now the dominant American world Power, taken in this matter the place of Europe? In other words, conceiving a family of American states, it is well to bear in mind, that, while the Monroe Doctrine proper has become inoperative, the law of limitations in the case of hegemony and Mommsen's Law is, and will remain, in operation. This Mr. Adams had occasion to realize in the latter years of his life, though it is questionable whether he ever appreciated the operation of the law he had vetoed as respects Europe when working to the accretion of his own country. He certainly offered all the resistance in his power to it when it presented itself under the guise of a "Reannexation of Texas," and in the name of "Manifest Destiny." Natural laws in their operation have thus a way of assuming strange names; later we meet Mommsen's Law, rechristened as the "Ostend Manifesto," and only recently it again masqueraded as "Benevolent Assimilation." All these, however, are merely aliases; "Sphere of Influence" is the very latest. Be not in this matter deceived by forms of speech. Keep in view the French aphorism—*Cherchez la femme!*

I state these propositions in connection with my theme, the Origin of the Monroe Doctrine. It is for others, during the discussions now begun, to refer, as Mr. Root has this evening done, to the doctrine historically, to the glosses attempted on it, misconceptions which prevail concerning it, and the limitations which have developed in its operation. With these propositions, I have no concern. I confine my contribution to the origin of the doctrine, the conditions which prevailed at the time it was enunciated, and the fact that another world has since come into existence. Furthermore, it is hardly necessary



for me, addressing this particular audience, to say that I speak neither as an originator nor an advocate. I merely call attention to an alleged natural law, propounded many years ago by an eminent publicist and historian. His statement of it may be correct, and it may be a law of universal application; possibly, on the other hand, it is a figment of Mommsen's imagination, or applicable only locally. These aspects of the case are no affair of mine. I merely quote the law as enunciated, and call attention to its possible relations with the Monroe Doctrine. I draw no inferences, much less advocate or urge acceptance. I refer to this law exactly as I would refer to the law of gravity, were I here discoursing on the development of aeronautics. None the less, when the Monroe Doctrine is considered in connection with the law of hegemonic limitations and Mommsen's Law, the apparent logic of today's Mexican situation<sup>1</sup> accentuates itself.

It was, I believe, Secretary Olney, who, some twenty years ago, laid down the principle that the United States is "practically sovereign on this continent, and that its fiat is law upon the subject to which it confines its interposition." In other words, the United States is as respects the field in question a law unto itself. It defines the limits and character of its suzerainty. Not unnaturally the sensibilities of other members of the American family of nations were more or less disturbed by this utterance, indisputably Delphic, while in no way called for by the necessities of the case in hand. However, not to be outdone, and with a view perhaps to clearing away any oracular obscurity in the previous utterance, President Roosevelt a few years later [1904] thus further expanded, while expounding, the doctrine:

It is not true that the United States feels any land hunger or entertains any projects as regards other nations of the Western Hemisphere save such as are for their welfare. All that this country desires is to see the neighboring countries stable, orderly and prosperous. Any country whose people conduct themselves well can count upon our hearty friendship. If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters, if it keeps order and pays its obli-

<sup>1</sup>This paper was read at the first session of the meeting on the evening of April 22, 1914; on the previous day (Tuesday, April 21) Vera Cruz had been occupied by the United States naval forces, acting under the order of President Wilson, issued in consequence of the Tampico incident and the consequent attitude of the Huerta Government.

gations, it need fear no interference from the United States. Chronic wrong-doing, or an impotence which results in a general loosening of the ties of civilized society, may, in America as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere, *the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrong-doing or impotence, to the exercise of an international police power.*

Viewed in this way, and with the law of Hegemonic Limitation and Mommsen's Law, "that two-handed engine, at the door," is it not desirable that the still so-called Monroe Doctrine should at this juncture receive further and thoughtful consideration? An example of this we have had this evening in the address of Mr. Root. Freed from gloss and misconstruction, the doctrine has been brought back to a basis at least intelligible. Still, national self-complacency is a weakness from which even we are not altogether exempt; in certain of the Pan American family circle benevolent assimilation may after all be looked upon as only a euphemistic form of nutritive deglutition. The veil drawn aside, may not Mommsen's Law in all its nakedness, stand revealed? For now and here, as heretofore and elsewhere,

We are puppets, Man in his pride, and Beauty fair in her flower;  
Do we move ourselves, or are moved by an unseen hand at a game  
That pushes us off from the board, and others ever succeed?

\* \* \* \* \*

For the drift of the Maker is dark, an Isis hid by the veil.  
Who knows the ways of the world, how God will bring them  
about?

Our planet is one, the suns are many, the world is wide.  
Shall I weep if a Poland fall? Shall I shriek if a Mexico fail?

The PRESIDENT. We are very much obliged to you for honoring us with your presence. The meeting of the Society stands adjourned until 2.30 o'clock tomorrow afternoon in this place. The conference of teachers of international law will be opened in this room tomorrow morning at 10 o'clock.

## SECOND SESSION

Thursday, April 23, 1914, 2.30 o'clock p.m.

The meeting was called to order by Dr. JAMES BROWN SCOTT, Recording Secretary of the Society.

The CHAIRMAN. The subject this afternoon for discussion is what may be called the Monroe Doctrine in its historical development and application. Last night you had a statement by the President of the Society as to his conception of the Monroe Doctrine, and Mr. Charles Francis Adams, following, gave an account of the genesis of the Monroe Doctrine as he considered it to be. This afternoon we shall discuss the Monroe Doctrine in what may be called its historical manifestations. The subsequent sessions of the Society will deal with various phases and conditions, as distinct from the historical growth, of the doctrine as such.

You will note that there are three speakers this afternoon, and each speaker is expected to cover a certain period, more or less artificially chosen; and at the end of each paper there will be a discussion if you so desire, or the discussion may take place at the end of the papers as a whole, this afternoon, if that be your pleasure.

The subject as stated in the program is: "Statements, interpretations and applications of the Monroe Doctrine and of more or less allied doctrines."

It gives me very great pleasure to introduce Mr. William R. Manning, Adjunct Professor of Spanish-American History, University of Texas, who will deal with the first period, namely, from 1823 to 1845.

I will state, before the gentleman begins, that the papers are limited to twenty minutes—but my watch does not keep very good time.

Mr. MANNING. Mr. Chairman, ladies and gentlemen: Generally speaking, my paper will be principally confined to the first two or three years of the period mentioned, since in that two or three years there were numerous occasions for statements, interpretations, and at least one important application that called for numerous statements. Between 1827 and 1845 there were comparatively few occasions for statements, and those statements repeated virtually what had been made in the first two or three years; so that my paper will be confined

principally to the period of the presidency of John Quincy Adams and the period when Henry Clay was the Secretary of State.

STATEMENTS, INTERPRETATIONS, AND APPLICATIONS  
OF THE MONROE DOCTRINE AND OF MORE OR  
LESS ALLIED DOCTRINES, FROM 1823 TO 1845

ADDRESS OF WILLIAM R. MANNING,  
*Adjunct Professor of Spanish-American History at the University  
of Texas*

In January of 1824, the month following the publication of the message containing the declarations later known as the Monroe Doctrine, an attempt was made to have Congress endorse the sentiments of the Executive. For this purpose Clay, then Speaker of the House of Representatives, caused a resolution to be introduced declaring:

That the people of these States would not see, without serious inquietude, any forcible intervention by the Allied Powers of Europe, in behalf of Spain, to reduce to their former subjection those parts of the continent of America which have proclaimed and established for themselves, respectively, independent governments, and which have been solemnly recognized by the United States.<sup>1</sup>

Congress refused to take action on the resolution, but Clay did not at once abandon his hope. Five months later, however, he announced that he "should continue to abstain from pressing upon the attention of the House his resolution" because events had shown that the apprehended attack by the European Powers on the American states had been abandoned, if such had ever been seriously entertained.<sup>2</sup> "Mr. Poinsett, of South Carolina, made a like attempt later, but with no more success. The Congress of that day," says Professor Burgess, "had altogether too much intelligence to make diplomatic opinions, advanced by the Administration, either laws of the land, or joint or concurrent resolutions of the legislative department of the Government."<sup>3</sup>

<sup>1</sup>Henderson, *American Diplomatic Questions*, 340.

<sup>2</sup>Moore, *International Law Digest*, VI, 405.

<sup>3</sup>Burgess, *The Middle Period*, 128.

In the last annual message of President Monroe, that of December, 1824, he reaffirmed the policy announced a year previously, declaring:

We can have no concern in the wars of the European governments nor in the causes which produce them. \* \* \* But in regard to our neighbors our situation is different. It is impossible for the European governments to interfere in their concerns, \* \* \* without affecting us; indeed, the motive which might induce such interference in the present state of the war between the parties, if a war it may be called, would appear to be equally applicable to us.<sup>4</sup>

"The Spanish Americans had taken the cautious utterances of President Monroe \* \* \* for much more than he meant them. They thought, or professed to think, that the government had pledged itself to meet any intervention of the Allied Powers of Europe in American affairs by any resistance necessary to defeat it."<sup>5</sup> On December 6, 1823, only four days after Monroe's famous utterance, the Mexican chargé in the United States, wrote from Philadelphia telling of the reception of the message. He quoted the significant clauses, said they were very popular and were applauded by all the public papers, and declared that they meant the United States would break their neutrality in case any Power should aid Spain to conquer America. Already, he added, ships were ordered to the Gulf of Mexico to await developments.<sup>6</sup>

During the year 1825, the first year of the new Adams-Clay administration, there were many occasions for allusions to and interpretations of the principles enunciated by the preceding administration. The large share which Adams had had in shaping the declaration of those principles make these early interpretations particularly significant.

Some two months before the beginning of the new administration, the chargé from Brazil (which country's *de facto* independence had not yet been recognized by Portugal, the mother country), endeavored to induce the State Department to put the supposed pledge into more tangible form. He proposed "that the United States should enter into an alliance with Brazil to maintain its independence, if Portugal

<sup>4</sup>Henderson, *American Diplomatic Questions*, 341.

<sup>5</sup>Burgess, *The Middle Period*, 146.

<sup>6</sup>Torrens to Secretario de Relaciones, 6 de diciembre de 1823, *La Diplomacia Mexicana*, II, 67.

should be assisted by any foreign Power to reëstablish her former sway." About a month after the new administration had begun, the Brazilian chargé renewed his proposal. "Mr. Clay replied that, while the President adhered to the principles set forth in the message of his predecessor of December 2, 1823, the prospect of a speedy peace between Portugal and Brazil" seemed to make such an alliance unnecessary; "but that, if there should be a renewal of demonstrations on the part of the European allies against the independence of American States, the President would give to that condition of things every consideration which its importance would undoubtedly demand."<sup>7</sup>

While this did not promise anything definite, yet it could be legitimately interpreted to mean that in certain contingencies the executive department would be disposed, so far as it was able, to assist the new states in maintaining their independence.

Three weeks after taking charge of the State Department, Clay wrote the instructions for Poinsett, who was to set out a few days later as minister to Mexico. He said, "You will bring to the notice of the Mexican Government the message of the late President of the United States to their Congress of the 2d of December, 1823, asserting certain important principles of international law in the relations of Europe and America." He repeated briefly the non-colonization principle and added:

There is no disposition to disturb the colonial possessions, as they may now exist, of any of the European Powers, but it is against the establishment of new European colonies upon this continent that the principle is directed. The other principle asserted in the message is, that, whilst we do not desire to interfere in Europe with the political system of the allied Powers, we would regard as dangerous to our peace and safety any attempt on their part to extend their system to any portion of this hemisphere.

\* \* \* Both principles were laid down after much anxious deliberation on the part of the late administration. The President, who then formed a part of it, continues entirely to coincide in both; and you will urge upon the Government of Mexico the utility and expediency of asserting the same principles on all proper occasions.<sup>8</sup>

In these instructions to Poinsett, Clay defined the policy of his gov-

<sup>7</sup>Moore, *International Law Digest*, VI, 437.

<sup>8</sup>American State Papers, Foreign Relations, VI, 579.



ernment with reference to Cuba and Porto Rico, the only Spanish possessions in America which remained loyal. There was a suspicion that France was negotiating for the cession of them in return for French support of Spanish absolutism. There was a possibility that they would be given to England to purchase that government's assistance in again freeing Spain from French domination. There was a probability that the islands would follow the example of the continental possessions and try to free themselves from Spain. There was a certainty that Mexico and Colombia were planning to overthrow Spanish power in the islands. The nearness of Cuba to the United States made it impossible for this government to be indifferent spectators to any fate that might befall that island. Furthermore, there had long been a feeling on the part of statesmen in Washington that some day Cuba should, and probably would, become a possession of the United States.

In his correspondence with diplomatic agents of the United States in the various interested countries, Clay made many statements concerning Cuba which were based upon, or were outgrowths of, the principles enunciated by Monroe, and which call for consideration in connection with the "more or less allied doctrines" included in the subject under discussion.

In Clay's instructions to Poinsett, referred to above, he declared: "The United States have no desire to aggrandize themselves by the acquisition of Cuba. And yet if that island is to be made a dependency of any one of the American states, it is impossible not to allow that the law of its position proclaims that it should be attached to the United States." He thought if Spain would not make peace it was not unlikely that a combined effort would be made by Mexico and Colombia to seize the islands.

The United States could not see this without apprehensions. From the point of view of productions, he argued, those Powers could not want them; while to the United States from that standpoint they would be very desirable. If they should pass under the domination of any European Power except Spain, the United States would have just cause for alarm. It would probably be best for all parties if Cuba were independent, provided she could maintain her independence. The United States, he continued, "are not disposed themselves to interfere with its present actual state; but they could not see with indifference any change that may be attempted in it." Poinsett was authorized to disclose frankly the feelings and interests of the United States if it

should become necessary. He was to use every endeavor to learn the purpose of Mexico, and to keep a vigilant eye on every movement toward Cuba.\*

In two respects this was a distinct advance beyond the declarations of Monroe. In the first place, it meant that the United States would not only be alarmed at the establishment of new European colonies in America; but at the transfer of an existing colony from one European Power to another. In the second place, it meant that the United States would oppose the transfer of Cuba not only to a European Power but also to any American Power.

Having taken this step to reveal to Mexico his policy, Clay next disclosed it to the parent country, endeavoring to use it to induce Spain to terminate the hopeless struggle and recognize the new American states. Everett, the new minister to Spain, was instructed, on April 27, 1825, to approach that court in the most conciliatory manner possible; but to express the feeling of the United States that the cause of Spain in her former continental possessions in America was irretrievably lost, and that there was danger of her losing what she still feebly held in the Antilles if the war should continue. Clay declared that the armies of the new states no longer had employment on the Continent, but could not be disbanded so long as peace was not made.

And from the proximity and great value of Cuba and Porto Rico is it not to be anticipated that they will aim, and aim a successful blow, too, at those Spanish islands? Whilst they could operate from without, means would doubtless be [employed] at the same time to stimulate the population within to revolt. And that the disposition exists among the inhabitants, to a considerable extent, to throw off the Spanish authority, is well known. It is due to the United States to declare that they have constantly declined to give any countenance to that disposition \* \* \*. If the war should continue between Spain and the new republics, and those islands should become the object and the theatre of it their fortunes have such a connection with the prosperity of the United States that they could not be indifferent spectators; and the possible contingencies of such a protracted war might bring upon the Government of the United States duties and obligations,

\*Clay to Poinsett, March 26, 1825, MS. Department of State, Instructions, X, 225. This portion of Poinsett's instructions is not printed in the extracts in *American State Papers, Foreign Relations*, V, 908, nor in *House Ex. Doc. No. 42*, 25th Cong., 1st Sess., p. 5.



the performance of which, however painful it should be, they would not be at liberty to decline.

If Mexico and Colombia should seize them their navies, he argued, were not strong enough to hold them. The people of the islands were incapable of maintaining self-government. The result, should this country not interfere, would probably be that they would fall into the hands of some European Power friendly to Spain.

As the views and policy of the United States in regard to those islands may possibly have some influence, you are authorized frankly and fully to disclose them. The United States are satisfied with the present condition of those islands, in the hands of Spain, and with their ports open to our commerce as they are now open. This government desires no change of that condition.

It was not for the sake of the new republics that the President wished to see the war terminated, since it would probably be to their interest to have it continue, but, he told Everett, for the sake of Spain, for the cause of humanity, and for the repose of the world.<sup>10</sup>

Clay was not satisfied with direct efforts alone to induce Mexico and Colombia to keep hands off Cuba, and to convince Spain that she ought to make peace to save Cuba. He endeavored to bring indirect pressure to bear upon the court of Madrid through those European Powers which were supposed to exert a powerful influence on Spanish policy. He began with that Power whose influence had for more than a decade been dominant in the councils of the reactionary states. On May 10, 1825, Henry Middleton, the minister to Russia, was given instructions for the purpose which he was authorized to communicate to the court at St. Petersburg. They spoke in complimentary terms of Russia's influence on world affairs, of her disinterested position in the existing conflict between Spain and her former possessions, and of the Emperor's great influence at Madrid; and asked him to employ that influence in a pacific mediation between Spain and the new American states. The philanthropic Clay appealed through his minister to the humanitarian instincts of the great Alexander. He was reminded of the great length of the conflict; of its inevitableness sooner or later had it not occurred when it did; of the fact that there was absolutely

<sup>10</sup>Clay to Everett, April 27, 1825, MS. Dept. of St., Instr., X, 302; extracts in *Am. St. P., For.*, V, 866; *British and Foreign State Papers*, XIII, 430; Chadwick, *U. S. and Sp., Dipl.*, 206.

no hope that Spain would ever be able to recover control on the continent; and of the further fact that she was in imminent danger of losing her remaining possessions in the Antilles. It would be well worth while for Spain to sacrifice her pride and make peace in order to save these valuable islands. He was also reminded of the great international importance of and interest in Cuba, and was told that,

If peace should be longer deferred, and the war should take the probable direction which has been supposed, during its further progress other Powers not now parties may be collaterally drawn into it. From much less considerable causes the peace of the world has been often disturbed. From the vicinity of Cuba to the United States, its valuable commerce, and the nature of its population, their government can not be indifferent to any political change to which that island may be destined. Great Britain and France also have deep interests in its fortunes, which must keep them wide awake to all those changes. In short, what European State has not much at stake, direct or indirect, in the destiny, be it what it may, of the most valuable of the West India islands? The reflections and the experience of the Emperor on the vicissitudes of war must have impressed him with the solemn duty of all governments to guard against even the distant approach of that most terrible of all scourges by every precaution which human prudence and foresight can surround the repose and safety of states.

Such is the view of the war between Spain and the new republics which the President desires you most earnestly, but respectfully, to present to his Imperial Majesty. From this view it is evident that it is not so much for the new states themselves as for Spain that peace has become absolutely necessary. Their independence of her, whatever intestine divisions may, if intestine divisions shall, yet unhappily await them, is fixed and irrevocable. She may, indeed, by a blind and fatal protraction of the war, yet lose more: gain for her, is impossible. In becoming the advocate for peace, one is the true advocate of Spain. If the Emperor shall, by his wisdom, enlighten the councils of Spain, and bring home to them a conviction of her real interests, there can be no fears of the success of his powerful interposition. You are authorized, in that spirit of the most perfect frankness and friendship which have ever characterized all the relations between Russia and the United States, to disclose, without reserve, the feelings and the wishes of the United States in respect to Cuba and Porto Rico. They are satisfied with the present condition of those islands, now open to the commerce and enterprise of their citizens. They desire for themselves no political change in them. If Cuba

were to declare itself independent, the amount and the character of its population render it improbable that it could maintain its independence.

Such a premature declaration might bring about a renewal of those shocking scenes of which a neighboring island was the afflicting theater. There could be no effectual preventive of those scenes, but in the guaranty, and in a large resident force of foreign Powers. The terms of such guaranty, and the quotas which each should contribute of such force, would create perplexing questions of very difficult adjustment, to say nothing of the continual jealousies which would be in operation. In the state of possession which Spain has, there would be a ready acquiescence of those very foreign Powers, all of whom would be put into angry activity upon the smallest prospect of a transfer of those islands. The United States could not, with indifference, see such a transfer to any European Power. And if the new republics, or either of them, were to conquer them, their maritime force as it now is, or for a long time to come is likely to be, would keep up constant apprehensions of their safety. Nor is it believed that the new states desire, or will attempt, the acquisition, unless they shall be compelled in their own defence, to make it, by the unnecessary prolongation of the war. Acting on the policy which is here unfolded, the Government of the United States, although they would have been justified to have seized Cuba and Porto Rico, in the just protection of the lives and the commerce of their citizens, which have been a prey to infamous pirates finding succor and refuge in Spanish territory, have signally displayed their patience and moderation by a scrupulous respect of the sovereignty of Spain, who was herself bound, but has utterly failed, to repress those enormities.

Finally, the President cherishes the hope that the Emperor's devotion to peace, no less than his friendship for Spain, will induce him to lend the high authority of his name to the conclusion of a war the further prosecution of which must have the certain effect of an useless waste of human life.

This celebrated despatch contained more than three thousand words. Middleton was authorized to communicate it all at once or a little at a time as his judgment should dictate.<sup>11</sup>

<sup>11</sup>Clay to Middleton, May 10, 1825, MS. Dept. of St., Instr., X, 331; MS. Rel. Ext.; Am. St. P., For., V, 846; Br. and For. St. P., XIII, 403.

The careful editor of the very interesting *Correspondence of the Russian Ministers in Washington, 1818-1825*, incorrectly states that this despatch is not in the American State Papers. See Am. Hist. Rev., XVIII, 561. "To guard against any accident which might befall the original," a copy of this instruction of May 10 was mailed by separate conveyance a little more than a fortnight later. See Brent to Middleton, May 26, 1825, MS. Dept. of St., Instr., X, 665.

The sentiments of the Russian Government were not unknown to Clay and Adams. Many communications had passed between the two governments during the years immediately preceding.<sup>12</sup> The Russian minister, to whom Middleton's instructions were shown a few days after they were written, "spoke in terms of high commendation of this measure, and said without being able to anticipate what the Emperor's determination upon it may be, he is quite sure that it will be received and treated by him with great consideration, and as an act equally marked by moderation, candor, and friendly feeling towards him on the part of the United States. He said he was very desirous that there should be time for this measure to have its full effect," and asked Adams' consent for him to communicate it to the Russian ambassadors at Paris and London, hoping through them to exert some friendly influence at Madrid earlier than could be done through St. Petersburg to dissuade Spain from doing anything further to precipitate the apprehended attack by Mexico and Colombia. Adams consented, and conversed at length with the Baron on the occasion for, the character of, and the motives for the proposed mediation.<sup>13</sup> In his conversation with Adams, Baron Tuyl seems to have gotten a more definite notion than Middleton's instructions gave of how far the interests of the United States might in certain contingencies carry them. At least Nesselrode understood Tuyl to report that Adams had

<sup>12</sup>See Adams, *Memoirs*, VI, 191-222, *passim*; and Cor. of Rus. Min. in Washington, 1818-1825, *Am. Hist. Rev.*, XIII, 309-345, 537-562. On Nov. 9/21, 1818, *ibid.*, 317, Nesselrode wrote from Aix-la-Chapelle to Poletica in Washington: "Si donc, à votre arrivée à Washington, le Gouvernement Américain n'a point encore résolu la reconnaissance des Colonies Espagnoles insurgées, il Vous est très-expressément recommandé de chercher à dissuader le Cabinet de Washington de cet acte d'hostilité envers l'Espagne."

On July 13/25, 1822, *ibid.*, 342, Nesselrode wrote Baron Tuyl in Washington: "Si la connaissance du désir qu'auroit l'Empereur de voir cet état de paix se prolonger, pouvoit porter le Gouvernement des Etats-Unis à ne modifier en rien les dispositions qu'il a manifestées envers l'Espagne et à ne pas s'armer contre el dans le lutte que soutiennent ses provinces d'Outre-mer, vous n'hésiteriez point à exprimer les vœux de Sa Majesté Impériale."

On Dec. 2/14, 1822, *ibid.*, 540, Nesselrode again wrote Tuyl: "Nous ne prétendons pas arrêter la marche de l'avenir; l'affranchissement de l'Amérique Méridionale est probable, il est immanent peut-être, mais, je le répète, c'était une raison de plus aux vœux de l'Empereur, pour souhaiter que Son Ministre engageât le gouvernement des Etats-Unis à suivre un système inoffensif à l'égard de l'Espagne." These communications show a desire to maintain peace, although in other respects they differ radically from the position of the United States. It is safe to assume that their spirit, at least, was made known to the Government at Washington.

<sup>13</sup>Adams, *Memoirs*, VII, 8-10.

declared that if Cuba and Porto Rico were to become the possession of any American Power the United States might find it necessary to insist on being that Power.<sup>14</sup> This is however no more than the despatch to Middleton darkly hints at. The instructions to Everett at Madrid contain a stronger hint at such a feeling; and those to Poinsett at Mexico openly suggest it.

On the day after he had written Middleton's instructions, Clay told Rufus King, who was just ready to set out on his second mission to the court of St. James, that the coincidence in the policy of the United States and England with reference to the war between Spain and the new states required frankness in our intercourse with that court. In this spirit he was to make known the desire of the President to see the war honorably terminated. He was told of the above instructions to Poinsett, Everett, and Middleton, and a copy of the last was enclosed. In concluding the brief note Clay said:

If Great Britain, and the other principal European Powers, would heartily unite with the United States in these pacific endeavors, the President entertains the confident hope that a stop would be put to the further and unnecessary effusion of human blood.<sup>15</sup>

Two days later James Brown, the minister to the French court, was told that Poinsett and the other ministers to the new states had been instructed to use their best efforts to bring about peace between Spain and those states. "But it is in Europe more than in America that our efforts must be directed. And the strong ground to take is that peace is more necessary to Spain than to the new republics." He was told that Everett was to endeavor to convince Spain of such necessity; Middleton was to enlist the sympathy and good offices of Russia; and King had similar instructions with reference to Great Britain. A copy of Middleton's instructions was enclosed, and Brown was requested to open the matter with the French Government. In concluding this despatch, which was also brief, Clay said:

<sup>14</sup>Nesselrode to Tuyl, le 4 Septembre 1825, *Am. Hist. Rev.*, XVIII, 562.

<sup>15</sup>Clay to King, May 11, 1825, *MS. Dept. of St., Instr.*, X, 345.

Baron Tuyl's communications to the Russian ambassadors at London and Paris concerning the mediation were, at Adams request, carried by King in order that the matter might first reach the English court through the American minister. Adams, *Memoirs*, VII, 10.

By a concerted system of action, direct and collateral on Spain, it is hoped that she may be made to see the necessity of peace. And great confidence would be placed in this hope, if Russia and France, the Powers most likely to influence the councils of Spain, would lend their hearty coöperation.<sup>16</sup>

As a part of the concerted action being brought to bear on Spain, Clay mentioned in this letter to Brown the fact that "Information has reached us that the local authorities of Cuba have petitioned the King of Spain to acknowledge the new republics and close the war." The Mexican minister in Washington told his government the same on May 8. He said the *ayuntamiento* of Havana had some time before petitioned the Madrid Government for reinforcements to enable them to hold the island; but now fears having increased, that body had petitioned the parent government to recognize the independence of the continental states as the only means of saving the island. In explanation of the reason for these increasing fears, Obregon said the spirit of independence was increasing in the island because of the good order which they saw established in those continental states and the disorderly condition of affairs which the blunders of the Spanish Government allowed to prevail in the island.<sup>17</sup>

Before Clay's efforts at combined mediation had time to produce any results, a series of events occurred in the West Indies which caused him considerable anxiety and threw Mexico into a fever of excitement. These were connected with certain mysterious movements of French naval vessels which strengthened suspicions already existing of French intentions on Cuba. Since the beginning of the year, reports had been coming from various sources that Spain was gathering reinforcements in the ports of the peninsula to send to Havana for protecting and preserving order in the islands and operating from there against Mexico, Central America, and Colombia.<sup>18</sup>

<sup>16</sup>Clay to James Brown, May 13, 1825, MS. Dept. of St., Instr., X, 356.

<sup>17</sup>Obregon to Secretario, 8 de Mayo de 1825, MS. Rel. Ext.

<sup>18</sup>The Mexican minister in Washington wrote his government February 2 that reports had reached him of two ships fitting out in Ferrol. Six days later he enclosed a clipping from the *Washington Gazette* saying a frigate, three sloops of war, and several transports had already reached Havana from Spain, and others were coming, to make an attack from there on Vera Cruz. On March 30 he told of the arrival of new reinforcements in Cuba. In this letter he said he had offered rewards to Cuban exiles whom he was in touch with to induce them to burn the Spanish ships that had recently come. On July 11 he reported three thousand men on their way from Coruña to reinforce the garrison



The fact that reinforcements were coming, though learned with regret and fear, occasioned no surprise. But when certain transports reached Havana they were accompanied by a French war vessel. This was disquieting. Alaman, the foreign minister in Mexico, reported the fact to Rocafuerte, the chargé in London, saying the transports had apparently come from the Canary islands without naval convoy, trusting in the protection of French ships to get to their destination. This was regarded as a violation of neutrality, since the troops were evidently directed against Mexico and Colombia. It looked to him like another bit of double dealing and bad faith similar to placing the cordon of French sanitary police along the Pyrenees before the invasion of Spain in 1823. Rocafuerte was asked to bring the matter to the attention of the English Government and ask that cabinet to solicit an explanation from France.<sup>19</sup> Obregon, writing from Washington of the matter, said all that was certainly known was that the French vessel had pursued the same course at the same time and entered the harbor of Havana with the Spanish transports. In acknowledging and commenting on this, the despatch from the Mexican foreign office said there must have been a design in the meeting; and Obregon was asked to bring the matter to the attention of the United States Government.<sup>20</sup>

This French interference in the West Indies in 1825 furnished the occasion for the first actual application of the Monroe Doctrine.

Before any explanation of the above had been made, another French movement in West Indian waters roused new and more serious suspicions. A Mexican agent in Jamaica reported to his government late in July that a French fleet of twenty-eight vessels had suddenly ap-

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of San Juan de Ulúa in Vera Cruz harbor, the only remaining Spanish post in Mexico. Obregon to Secretario, 2 de Febrero, 8 de Febrero, 30 de Marzo, 11 de Junio de 1825, MS. Rel. Ext.

Michelena reported from London that, in a conference of May 21, Canning had told him that the troops being collected at Coruña ostensibly for Peru were really going to Havana; and Michelena had replied that opinion in the island was becoming unfavorable to the Peninsula because of the unwise measures of the Madrid Government. Rocafuerte wrote on July 9 that merchants of Cadiz and Havana had agreed to stand the cost of an expedition of 12,000 men against Panama or Mexico. One vessel had left Cadiz and three more were about ready to sail. Michelena to Secretario, 21 de Marzo de 1825; Rocafuerte to Secretario, 9 de Julio de 1825; MS. Rel. Ext.

<sup>19</sup>Alaman to Rocafuerte, 1 de Junio de 1825, MS. Rel. Ext.

<sup>20</sup>Obregon to Secretario, 2 de Julio de 1825, and reply, 7 de Septiembre de 1825, MS. Rel. Ext.



peared in Martinique, and its movements were mysterious. A French ship had just brought to Santiago de Cuba the new Spanish governor. Some of the French ships had been seen off the island of Santo Domingo moving in the direction of Havana. He enclosed a clipping from a Jamaica paper saying that French troops had disembarked in Cuba.<sup>21</sup>

This startling news reached Mexico August 15, 1825. The next day Alaman hastened to show the correspondence to Ward, the British chargé, and from him to Poinsett. Ward and Poinsett conferred regarding the matter, and the former talked with President Victoria. As a probable motive, Poinsett suggested to Alaman that possibly Spain had decided to cede the island to France rather than have it wrested from her through an independence movement encouraged from Mexico. To confirm his suspicion he alluded to the fact that a Cuban, who had visited Santa Anna in Yucatan some months earlier and had represented himself to be an agent of the Cuban patriots and suggested to Santa Anna the invasion of Cuba, for which the latter immediately began preparation, was now back in Cuba and in favor with the Spanish authorities. Poinsett told Alaman this might have been but a ruse to discover the intentions of Mexico, which, thus discovered, would doubtless be considered such "as would justify any measures Spain and France might think proper to take for its preservation."

In the hurried conferences mentioned above, it was arranged that identical notes should be presented to Ward and Poinsett with reference to the matter. The notes declared that the President of Mexico saw in these movements of French war vessels an act hostile to the independent states of America; they referred to the declaration of President Monroe against the interference of any third Power in the conflict between Spain and her former dominions; argued that this conduct of France was certainly such interference; and asked that each bring the matter to the attention of his government in order that his government might demand of France such explanations as the case required. Poinsett objected to the language of the note in one particular, as the note was originally drawn, because, he said, it

<sup>21</sup>Basadre to [Secretario] Kingston, 24 de Julio de 1825, 27 de Julio de 1825, MS. Rel. Ext. See note 17, above.

Callahan, *Cuba and Int. Rel.*, 142, discusses briefly the appearance of the French fleet in the West Indies.

implied that the declaration of Monroe gave Mexico the right to demand that the United States should interfere on behalf of the new states. It was modified so as to remove the implication and the change was also indicated to Ward. Alaman had shown some hesitancy in making the notes to the Governments of England and the United States identical. Ward and Poinsett appealed to President Victoria and were assured that the notes should be identical. He "expressed his dissatisfaction at the conduct of Mr. Alaman and declared that he himself was ignorant of the arrival of this important intelligence until he saw it published in the *Sol*. Such conduct on the part of the Secretary is inexplicable and almost incredible."<sup>22</sup>

The newspaper which had published the correspondence was owned, and presumably also edited, by Alaman. An editorial of the same day on which the correspondence was published, also the same on which the hurried conferences occurred, had declared: "In our opinion this movement can have no other object than to cover the island of Cuba from the designs of the United States and from those attributed to Colombia and Mexico." On the same day Poinsett addressed a spirited note to Alaman protesting that in the editorial the designs of Colombia and Mexico were represented as hypothetical, while those of the United States are represented as positive. Poinsett declared the United States never did entertain such designs and had disavowed all such; and asked Alaman to use his influence with the editor to have the mistaken impression corrected. Alaman's reply, also of the same day, promised, if possible, to have an article inserted in the next day's issue correcting public opinion on the matter.<sup>23</sup>

The alarm caused by these French movements in the West Indies proved happily to be a false one. When the explanations called for by England and the United States at Mexico's request were made, it was affirmed that the French cruiser's convoying the Spanish transports from Martinique to Havana had been solely on the order and responsibility of the French commander at Martinique; and had been

<sup>22</sup>Poinsett to Clay, Aug. 17, 1825, and enclosures, Alaman to Poinsett, Aug. 16, 1825, and Poinsett to Alaman, Aug. 17, 1825; MSS. Dept. of St., Desp., II; Am. St. P., For., VI, 364; Br. and For. St. P., XIII, 995. And see also Poinsett to Clay, Aug. 21, 1825, MS. Dept. of St., Mex. Desp., I; extracts in Am. St. P., For., V, 909; Br. and For. St. P., XIII, 488.

<sup>23</sup>Poinsett to Alaman, Aug. 16, 1825, Alaman to Poinsett, Aug. 16, 1825, Poinsett to Clay, Aug. 17, 1825, MS. Dept. of St., Mex., Duplicates of Poinsett's Despatches.

disavowed by the government and prohibited for the future.<sup>24</sup> Canning, in writing to the British representative at Paris, said he hoped this explanation, which Villèle and Damas, had given was true; "But," he continued, "I confess I have my doubts, whether it was not (prescribed I will not say) a permitted experiment, to see how far a French force might be incidentally and imperceptibly slipped into Havana. Villèle ought to know that our eyes are open to the possibility of such a maneuver. He ought to know, too, that we would not put up with it."<sup>25</sup>

The large French fleet whose movements had occasioned by far the greater alarm had gone to the West Indies ostensibly, at least, to attend and solemnize the ceremonies connected with French recognition of the independence of Hayti. After performing that ceremony it had touched at Havana, then visited Norfolk, and sailed from there late in August, part of it returning to France and the rest to the naval station at Martinique.<sup>26</sup> The Spanish Government declared to Nelson, the retiring United States minister at Madrid, that "His Majesty has at no time thought of conceding to any Power the islands of Cuba and Porto Rico, and, so far from such a purpose, is firmly determined to keep them under the dominion and authority of his legitimate sovereignty."<sup>27</sup> After the uncertainty concerning the French operations had been cleared up and the excitement had passed, Clay declared to the French Government through Brown, the Minister at Paris:

<sup>24</sup>Rocafuerte to Secretario, 9 de Agosto de 1825, saying Canning had promised to question France but no explanation had yet been given him; Obregon to Secretario, 18 de Septiembre de 1825, enclosing Rocafuerte to Obregon, 12 de Agosto de 1825, telling what the French Government had declared to the English; all in MSS. Rel. Ext.

<sup>25</sup>Canning to Granville, June 21, 1825, Stapleton, Of. Cor. of Canning, I, 376. This shows that the explanation had been asked and given long before the Mexican Government's note of June 1, requesting such, could have been received. Before the French movement had occurred Canning had said: "I have some reason to believe that Polignac is instructed, or is disposed without instructions (I would not undertake to say which) to hint at the possibility of the occupation of the Havannah by France. That will never do." *Ibid.*, 265.

<sup>26</sup>Obregon to Secretario, 18 de Septiembre de 1825, MS. Rel. Ext. The Address of President Boyer of July 11, 1825, accepting the Ordinance of the King of France recognizing independence, is in Br. and For. St. P. XIII, 999. Temperley, *Later Am. Policy of Canning*, *Am. Hist. Rev.*, XI, 791, says the French fleet "came ostensibly to collect a debt from Hayte."

<sup>27</sup>Clay to Poinsett, Sept. 24, 1825, MS. Dept. of St., Instr., X; extracts from this letter not including this portion are in *Am. St. P., For.*, VI, 581; and *House Ex. Doc. No. 42*, 25th Cong., 1st Sess., p. 7.

The President conceives it due to the friendly relations which happily subsist between the two nations, and to the frankness by which he wishes all their intercourse to be characterized, that the purpose of any similar movement hereafter, made in a season of peace should be communicated to this government. \* \* \* The President can not suppose a state of things in which either of the great maritime Powers of Europe, with or without the consent of Spain, would feel itself justified to occupy, or attempt the occupation of Cuba or Porto Rico without the concurrence or at least the knowledge of the United States.<sup>28</sup>

In carrying out these instructions Brown declared, as he was authorized to do, that the United States "could not consent to the occupation of those islands by any other European Power than Spain, under any contingency whatever." The French minister admitted that the United States had a right to be informed of the reason for such a movement as that of the French fleet and said it was "a departure from the rule, but that, in future, the United States should be duly apprised of the objects of every such squadron sent into their vicinity."<sup>29</sup>

In the same letter in which Canning expressed his suspicions of the French explanation of the matter of the French convoy of Spanish troop ships, he stated positively England's policy with reference to Cuba, which was practically the same as that of the United States, namely:

As to Cuba, you can not too soon, nor too amicably, of course, represent to Villèle the impossibility of our allowing France (or France us, I presume,) to meddle in the internal affairs of that colony. We sincerely wish it to remain with the mother country. Next to that I wish it independent, either singly or in connection with Mexico. But what can not or must not be, is that any great

<sup>28</sup>Clay to James Brown, Oct. 25, 1825, MS. Dept. of St., Instr., X, 404; Br. and For. St. P., XIII, 424.

It caused the administration some embarrassment in its relations with Congress, and Clay tried to explain away objections raised. See McMaster, U. S., V, 53, 54; and Clay to Poinsett Nov. 9, 1825, Am. St. P., For., V, 854, or *ibid.*, VI, 582, and Br. and For. St. P., XIII, 423; also Message of President to House, March 30, 1826, Br. and For. St. P., XIII, 483-489, and Poinsett to Clay, May 6, 1826, *ibid.*, 998.

In December this communication to Brown was shown to the Mexican minister. Obregon to Secretario, 15 de Diciembre de 1825, MS. Rel. Ext.

<sup>29</sup>Brown to Damas, Jan. 2, 1826, Am. St. P., For., V, 882; Br. and For. St. P., XIII, 444. Brown to Clay, Jan. 10, 1826, Am. St. P., For., V, 881; Br. and For. St. P., XIII, 445.

maritime Power should get possession of it. The Americans (Yankees, I mean) think of this matter just as I do.<sup>30</sup>

Canning assumed a cynical and suspicious attitude toward Clay's effort at combined mediation between Spain and her former possessions. After an interview on the subject, he said he found King, the United States minister,

relying with a simpleness which appeared quite childish on the good sense of the continental Powers, for the advice which they would give to Spain, and on the awakened good sense of Spain for listening to that advice when given. I set him right upon these points; on which if his government blunder as sincerely as he appears to do, there is perhaps no harm done beyond the loss of time, but if—as the suspicion sometimes comes across me—this *bonhomie* is affected by the U[nited] S[tates] G[overnment] for the express purpose of being enabled to cry out and take a new line on the disappointment of their groundless expectations, why then the Yankees may be just the rogues that we have always hitherto taken them to be, but which I was willing to hope they might have resolved to be no longer.<sup>31</sup>

Fully persuaded that Clay's plan would fail, as a counter-proposition he proposed that Great Britain, France, and the United States, should unite in disclaiming any intentions on the islands, thus calming the fears of Spain and preparing her for receiving peace proposals. But as Adams had evaded the issue two years earlier when Canning tried to get the United States Government to commit itself against the annexation of any former Spanish possessions, so Clay evaded it now. He replied through King that Canning's proposal was likely to defeat its avowed purpose and encourage Spain to continue the war, since it would relieve her of the fear of seizure by any of these three Powers. A few days later, after he had learned that France had refused to accede to Canning's proposal, Clay sent through King a copy of the letter of October 25 to Brown at Paris warning the French Govern-

<sup>30</sup>Canning to Granville, June 21, 1825, Stapleton, Of. Cor. of Canning, I, 276. See also Stapleton, A. G., Life of Canning, III, 142-150; and Temperley, Later Am. Policy of Canning, Am. Hist. Rev., XI, 790, which says Canning feared the United States more than France. Temperley, Life of Canning, 188, says England's recognition of the Spanish American states "restrained the pretensions of the Yankees, and preserved Cuba to Spain."

<sup>31</sup>Canning to Liverpool, Aug. 6, 1825, Stapleton, Of. Cor. of Canning, I, 285.

ment that the United States "could not consent to the occupation of those islands by any other European Power than Spain"; and said if Great Britain should direct her ambassador at Paris to protest in like manner nothing more would be necessary. In this letter to King, Clay said he felt no apprehension that Great Britain would entertain "views of aggrandizement in regard to Cuba, which could not fail to lead to a rupture with the United States."<sup>32</sup>

Shortly after the appearance of the French danger in the West Indies, while discussing the terms of a prospective commercial treaty in Mexico, Poinsett

observed that the States which formerly were Spanish possessions had given very sufficient proofs that they required no assistance to enable them to repel the attacks of Spain; and that the United States had pledged themselves not to permit any European Power to interfere either with their form of government or with their independence; and as in the event of such an attempt being made by them, the United States would be compelled to take the most active and efficient part in the contest, it was not just that they should be placed by the treaty on a less favorable footing than the other republics, whose existence they were disposed to support at such hazards.<sup>33</sup>

When this statement of Poinsett's became known to the Congress at Washington, it caused severe criticism and called for an explanation.

In a report of Mr. Clay, Secretary of State, March 29, 1826, addressed to the President, and by him sent to Congress, it is stated that the United States have contracted no engagement, nor made any pledge to the Governments of Mexico and South America, or to either of them, that the United States would not permit the interference of any foreign Powers, with the independence or form of government of those nations: nor have any instructions been issued, authorizing any such engagement or pledge!

The apprehended danger had passed, he continued,

<sup>32</sup>Clay to King, Oct. 17, 1825, MS. Dept. of St., Instr., X, 394; same to same, Oct. 26, 1825, *ibid.*, 405.

For Canning's proposal see also Callahan, *Cuba and Int. Rel.*, 147-151. On page 52 this writer says Canning, on receipt of Clay's suggestion that England should declare to France her unwillingness to see Cuba pass to any European Power other than Spain, declared he had already stated to France practically the same thing, the previous July, and so there was no reason for repeating it at some one else's suggestion.

<sup>33</sup>Am. St. P., For., VI, 589.



but if, indeed, an attempt by force had been made by allied Europe to subvert the liberties of the southern nations on this continent, and to erect, upon the ruins of their free institutions, monarchical systems, the people of the United States would have stood pledged, in the opinion of their Executive, not to any foreign state, but to themselves and to their posterity, by their dearest interests, and highest duties, to resist to the utmost such attempt; and it is to a pledge of that character that Mr. Poinsett alone refers.<sup>34</sup>

In a later conference with the Mexican negotiators concerning the treaty, after Poinsett had learned of the Congressional criticism which his statement had occasioned, he said, "that it was well known to the Mexican plenipotentiaries no other pledge had ever been given than what was contained in the message of President Monroe, and which he believed, the people of the United States would have redeemed. But from the similarity of our institutions no Mexican could be ignorant that such a declaration on the part of the President of the United States was not binding on the nation without the sanction of Congress." Esteva, one of the plenipotentiaries, replied that he had so understood it.<sup>35</sup>

Mexican disappointment at Clay's explanatory interpretation of the Monroe Doctrine was voiced by President Victoria in an address to the Mexican Congress on May 23, 1826. He declared:

An official document, which has very recently been published, has thrown considerable light upon the policy of the cabinet at Washington, with regard to the struggle in which a large portion of America is involved. The memorable promise of the President Monroe, contained in his message of the 2nd of December, 1823, is disclaimed by the present Government of the United States. \* \* \* It is, indeed, true that Mr. Clay, Secretary of State, and author of the note, appeals to the sympathy of the people of the United States, and to their community of interests with the new republics, but it is no less true, that we have no longer any sort of guarantee or promise on the part of that government, to take any part in the contest, if a third Power should become an auxiliary of Spain.<sup>36</sup>

<sup>34</sup>Moore, *Int. Law Digest*, VI, 408.

<sup>35</sup>Am. St. P., For., VI, 592.

<sup>36</sup>Br. & For. St. P., XIII, 1082.



When Poinsett's statement concerning the "pledge" of the United States was made known, Congress had already begun to criticize the administration's attitude toward the new states. The occasion was the well known proposal to send representatives to the Congress at Panama.

In his special message to Congress of December 26, 1825, touching the Panama Congress, President Adams suggested, as one of the subjects that might be discussed, "an agreement between all the parties represented at the meeting that each will guard by its own means against the establishment of any future European colony within its borders." He added, that the principle had been "more than two years since announced by my predecessor to the world as a principle resulting from the emancipation of both the American continents. It may be so developed to the new southern nations that they will all feel it is an essential appendage to their independence."<sup>87</sup>

In a second special message on the subject, on March 15, 1826, Adams stated that "should it be deemed advisable to contract any conventional engagement on this topic, our views would extend no further than to a mutual pledge of the parties to the compact to maintain the principles in application to its own territory." Speaking of the intentions of the Congress to consider the question of Cuba and Porto Rico, he declared "the danger therefrom resulting of their falling ultimately into the hands of some European Power other than Spain, will not admit of our looking at the consequences to which the Congress at Panama may lead with indifference."<sup>88</sup>

The Senate Committee on Foreign Relations reported against having representatives at Panama for fear it might compromise the neutrality of the United States and involve them in entangling alliances. The Senate debated the matter in secret session for nearly a month. During this debate, on March 27, 1826, Webster, in the House of Representatives, interpreted the Monroe declaration to mean,

that this government could not look with indifference on any combination among other Powers to assist Spain in her war against the South American states; that we could not but consider any

<sup>87</sup>Moore, *Int. Law Digest*, VI, 416; Henderson, *American Diplomatic Questions*, 347; Edington, *The Monroe Doctrine*, 155.

<sup>88</sup>Moore, *Int. Law Digest*, VI, 417; Henderson, *Am. Dipl. Questions*, 350.

such combination as dangerous or unfriendly to us; and that if it should be formed it would be for the competent authorities of this government to decide, when the case arose, what course our duty and our interest should require us to pursue.<sup>39</sup>

On April 14, 1826, Webster resented the suggestion that the message was "a loose and vague declaration." He said it was carefully considered and "the message was intended to say, what it does say, that we should regard such combination as dangerous to us." It meant much and effected much good, and "it can not now be taken back, retracted or annulled without disgrace."

It did not commit the United States to take up arms on every indication of hostile feeling of the European Powers toward the new states. Even if they furnished aid against the most distant, such as Chile and Buenos Aires, it "might still have left us to content ourselves with remonstrance. But a very different case would have arisen, if any army, equipped and maintained by these Powers, had been landed on the shores of the Gulf of Mexico, and commenced the war in our own immediate neighborhood. Such an event might justly be regarded as dangerous to ourselves, and, on that ground, call for decided and immediate interference by us."<sup>40</sup>

In this same debate, James K. Polk, member from Tennessee, declared: "When the message of the late President of the United States was communicated to Congress in 1823, it was viewed, as it should have been, as the mere expression of opinion of the Executive, submitted to the consideration and deliberation of Congress."<sup>41</sup>

Buchanan introduced a resolution into Congress on April 18, 1826, declaring:

It is, therefore, the opinion of this House, that the Government of the United States ought not to be represented at the Congress of Panama, except in a diplomatic character, nor ought they to form any alliance, offensive or defensive, or negotiate respecting such an alliance, with all or any of the Spanish American republics; nor ought they to become parties with them, or either of them, to any joint declaration for the purpose of preventing the interference of any of the European Powers with their independence

<sup>39</sup>Moore, *Int. Law Digest*, VI, 405.

<sup>40</sup>*Ibid.*, VI, 406.

<sup>41</sup>Henderson, *Am. Dipl. Questions*, 358.

or form of government, or to any compact for the purpose of preventing colonization on the continent of America; but that the people of the United States be left free to act in any crisis, in such a manner as their feelings of friendship towards these republics, and as their own honor and policy may at the time dictate.<sup>42</sup>

In spite of the opposition, the friends of the administration and those who favored the mission won by a close vote. In the instructions which Clay gave to the agents who were to start for Panama, he said "that it was not intended to commit the parties, who might concur in any joint declaration against future colonization, 'to the support of the particular boundaries which may be claimed by any one of them; nor is it proposed to commit them to a joint resistance against any future attempt to plant a new European colony.'"<sup>43</sup>

In 1827 a new danger threatened Cuba and gave Adams and Clay considerable anxiety for a time. There was a probability that England and Spain would be involved in war over their conflicting policies and interests in Portugal. On October 6, 1826, Canning wrote Liverpool:

One single word I must add in the deepest secrecy. God forbid war; but if Spain will have it, ought not we to think of the Havannah? Where else can we strike a blow? and what other blow would be so effectual? It would settle all better than half a dozen Peninsular campaigns.<sup>44</sup>

Gallatin, then in London, was approached by the Mexican minister, it seems, with a suggestion to make Cuba independent under the joint guaranty of Great Britain and all of the American states. It is said that Gallatin favored the plan and recommended it to Clay; and that he also approached Canning on the matter, but found him noncommittal.<sup>45</sup> In spite of Canning's secrecy, his plans became known. On August 17, 1827, Everett in Madrid wrote Clay that England was planning to effect a revolution in the Canary Islands and Cuba in order "to establish the British influence in these islands [and] in the end, probably, to obtain territorial possession of them." The sources of infor-

<sup>42</sup>Moore, *Int. Law Digest*, VI, 420.

<sup>43</sup>*Ibid.*, VI, 416.

<sup>44</sup>Canning to Liverpool, Oct. 6, 1826, in Stapleton, *Of. Cor. of Canning*, II, 144.

<sup>45</sup>Callahan, *Cuba and Int. Rel.*, 157.

mation were such, Everett thought, as to leave no doubt of the facts.<sup>46</sup> Everett took advantage of the first good opportunity that presented itself to declare to the Spanish Government, "it is impossible for them [the United States] to view with indifference these movements of the British Government, considering it, as they do, as a settled principle that the island of Cuba must in no event, and under no pretext, pass into the possession of, or under the protection of, any European Power other than Spain."<sup>47</sup> Adams and Clay thought this danger, together with that which was threatening from Mexico and Colombia, justified them in sending a secret agent to Havana to report confidentially on the sentiment in the islands toward the various nations concerned. Besides repeating the instructions which he had written for a secret agent late in 1825, Clay asked this agent to learn what the attitude of the inhabitants would be toward a colonial connection with Great Britain, in case the existing relations of that power and Spain should result in war and England should attack Havana; and he was also to learn the Spanish means for resisting such attack.<sup>48</sup>

During the last year of the Adams-Clay administration, anxiety concerning Cuba was not entirely relieved; but no important diplomatic communications passed. The Jackson administration continued practically unchanged the policy of their predecessors. In October of 1829 Van Buren told Van Ness, the new minister to Madrid,

as it is not impossible that Spain, in her present embarrassed and dependent situation, might be induced to yield her assent to a

<sup>46</sup>Everett to Clay, Aug. 17, 1827, House Ex. Doc. No. 121, 32d Cong., 1st Sess., p. 19. As evidence, Everett enclosed a copy, which had been given him in the strictest confidence, of a despatch dated June 1 from the Spanish minister at London. That minister said the information had been given him by the Duke of Wellington. Everett said it was strange that the Duke should have revealed such; but thought it "was probably owing to the strong feeling of disgust and bitterness with which he has been inspired by the late change in the administration." See also Chadwick, *U. S. and Spain*, Dipl., 216.

<sup>47</sup>Everett to Salmon, Dec. 10, 1827, enclosed with Everett to Clay, Dec. 12, 1827, House Ex. Doc. No. 121, 32d Cong., 1st Sess., pp. 22, 21. See Chadwick, *U. S. and Sp.*, Dipl., 217.

<sup>48</sup>Clay to Daniel P. Cook, March 12, 1827, MS. Dept. of St., Instr., XI, 267. This shows that Adams and Clay were aware of the English designs long before the information from Everett came. For the instructions to Robertson in 1825 see above, p. 32 and note 68. The former agent did not go; but Cook went, had several interviews with the Spanish governor, Vivés, and reported. This confidential mission was the subject for a Congressional investigation the next year, and occasioned considerable embarrassment for the administration. Adams, *Memoirs*, VIII, 20-21.

temporary occupation of it [Cuba], as a pledge for the fulfillment of her engagements, or to part with her right of property in it, or other considerations affording immediate relief in the hour of her distress, it is the wish of the President that the same watchfulness which had engaged the attention of your predecessors in relation to this subject should be continued during your administration of the affairs of the legation.

He was told that the United States could not enter into engagements to guarantee the possession of Cuba to Spain; but, alluding to the danger from Mexico and Colombia, "this government has every reason to believe that the same influence which once averted the blow ready to fall upon the Spanish islands would again be found effectual on the recurrence of similar events."<sup>49</sup> In this same month of October Poinsett told of a new movement of the Mexican Government the purpose of which, he thought, was to incite a slave revolt in Cuba.<sup>50</sup> Six weeks later Van Buren instructed Butler, who was to replace Poinsett at Mexico, to remonstrate against the alleged intention of Mexico to excite the slave rebellion.<sup>51</sup> Late in 1830 the minister at Madrid was told that Mexico had given "assurance that no such measures will, in any event, be resorted to." In this same letter he was told that the new states had given notice that if Spain persisted in her refusal to make peace and recognize them, they would find it necessary to attack the islands. In view of this he reaffirmed the position of Adams and Clay that the United States was content to have Cuba remain the possession of Spain; could not consent to its transfer to any European Power; and greatly preferred that it should not pass to either of the South American states; but "the President does not see on what ground he would be justified in interfering with any attempts which the South American states might think it for their interest, in the prosecution of a defensive war, to make upon the islands," unless the slaves should be armed.<sup>52</sup>

A little more than a year before the close of the Adams-Clay administration, conditions in the southern part of South America fur-

<sup>49</sup>Van Buren to Van Ness, Oct. 2, 1829, House Ex. Doc. No. 121, 32d Cong., 1st Sess., pp. 27, 28; Moore, *International Law Digest*, VI, 448.

<sup>50</sup>Poinsett to Van Buren, Oct. 14, 1829, MS. Dept. of St., Mex., Desp., IV.

<sup>51</sup>Van Buren to Poinsett, Nov. 30, 1829, enclosing the despatch to Butler, MSS. Dept. of St., Instr., XIV.

<sup>52</sup>Van Buren to Van Ness, Oct. 13, 1830, House Ex. Doc. No. 121, 32d Cong., 1st Sess., p. 28; Moore, *International Law Digest*, VI, 449.

nished an opportunity for Clay to restate and apply the Monroe declaration. When war was on between Argentina and Brazil in 1828, the former inquired the scope of the declaration of Monroe's message. Clay said even if Brazil and Portugal had remained united, the war would have been far from presenting the case which the message contemplated.

Concerning the binding character of it, Clay said:

The declaration must be regarded as having been voluntarily made, and not as conveying any pledge or obligation, the performance of which foreign nations have a right to demand. Should the case ever occur of such European interference as the message supposed, and it became necessary to decide whether the country would or would not engage in war, Congress alone would by the Constitution be competent to decide that question.<sup>53</sup>

In 1835 prospective British aggression in Honduras furnished an occasion for Secretary Forsyth to state the attitude of the United States toward such a move. British settlers in Honduras were trying to extend their boundaries. It was understood that their agent, who had been sent to London to secure the desired extensions, had been directed by the British Government to proceed to Madrid to open negotiations with that Power for the desired extension. Forsyth said to Barry, the Minister at Madrid, "It is expected that you will keep an eye upon the movements of the agent above mentioned in Madrid, and that you will use all prudent means to prevent the conclusion of any arrangement on the subject."<sup>54</sup>

In 1840, when the possibility was revived of a cession of Cuba to Great Britain, Forsyth went a step further than Clay or Van Buren had done and virtually pledged to Spain the military and naval support of the United States to prevent any Power from taking Cuba. Forsyth declared to Vail, then American minister at Madrid:

Should you have reason to suspect any design on the part of Spain to transfer voluntarily her title to the island, whether of ownership or possession and whether permanent or temporary, to Great Britain, or any other Power, you will distinctly state that the United States will prevent it, at all hazards, as they will any foreign military occupation for any pretext whatsoever; and you are authorized to assure the Spanish Government that in

<sup>53</sup>Moore, *Int. Law Digest*, VI, 434.

<sup>54</sup>*Ibid.*, VI, 442.



case of any attempt, from whatever quarter, to wrest from her this portion of her territory, she may securely depend upon the military and naval resources of the United States to aid her in preserving or recovering it.<sup>55</sup>

In 1843, Secretary Webster repeated to the consul at Havana the declaration of Forsyth.<sup>56</sup> In 1844, Secretary Upshur repeated practically the same statement to Minister Irving at Madrid.

The CHAIRMAN. The papers are of an historical character and perhaps are not so open to discussion as the later phases will be, when an expression of personal opinion as to policy rather than as to history is required. I am, however, at your service, if there be any desire—

Mr. WILLIAM HOYNES. I was about to suggest, Mr. Chairman, that it would be well to proceed with the reading of the papers, and afterwards, if we find anything in them requiring discussion, we will then be ready to discuss them.

The CHAIRMAN. If that be the pleasure of the meeting, it is perfectly agreeable. I notice that Professor Wilson has come in, and I would like to ask him if he will not be good enough to take the chair.

Mr. GEORGE G. WILSON, a member of the Executive Council, thereupon took the chair.

The CHAIRMAN. It is a great pleasure for me to introduce as the next speaker Professor James M. Callahan, Professor and Head of the Department of History and Political Science, West Virginia University, who will speak upon the subject covering the period from 1845 to 1870.

#### STATEMENTS, INTERPRETATIONS AND APPLICATIONS OF THE MONROE DOCTRINE AND OF MORE OR LESS ALLIED DOCTRINES FROM 1845 TO 1870

ADDRESS OF JAMES MORTON CALLAHAN,  
*Professor and Head of the Department of History and Political  
Science, West Virginia University*

In the quarter century after 1845, the paramount interests of the United States and the future peace of the continent, contemplated in

<sup>55</sup>*Ibid.*, VI, 450. Latané, *Diplomatic Relations between the U. S. and Spanish America*, 104.

<sup>56</sup>Moore, *Int. Law Digest*, VI, 450; Latané, *Dipl. Rel. between the U. S. and Sp. Am.*, 104.



the principles of the Monroe Doctrine which Cass called the American doctrine of self-preservation, were threatened at many points and were a source of constant discussion and frequent action.

#### 1. POLICY OF THE POLK ADMINISTRATION.

James Buchanan, who was Secretary of State from 1845 to 1849, after his term of service, said: "Throughout Mr. Polk's administration it was our steady policy to indoctrinate all the southern nations on this continent to avoid all political connection with European nations and to establish an American policy."<sup>1</sup>

James K. Polk was elected to the presidency on a party policy to annex Texas, which his predecessor feared might otherwise be forced to seek refuge in the arms of some other Power, "either through a treaty of alliance, offensive and defensive, or the adoption of some other expedient which might virtually make her tributary to such Power, and dependent upon it for all time."<sup>2</sup> The paramount interests of the United States and the future peace of the continent, contemplated in the principles of the Monroe Doctrine, had recently been threatened at several points. There had been recent apprehensions of a possible occupation of the Isthmus of Panama by Great Britain under an arrangement with Spain.<sup>3</sup> From the American representative in Venezuela, the American Government had recently received information of a proposed congress of Latin American states at Lima representing Argentina, Peru, Bolivia, New Granada, Mexico and Brazil, to sustain the dominant parties in those states and to oppose the advance of the United States on the American continent.<sup>4</sup> Since 1841, the British had shown a disposition to extend Guiana and to emigrate to Venezuela, whose people later begun to fear British designs of annexation and even turned to the United States in hope of alliance.<sup>5</sup> In 1844, Brazil invoked the intervention of England and France against Buenos Aires to protect the independence of Uruguay, which had been recognized by Brazil and Buenos Aires by a treaty concluded

<sup>1</sup>Am. Hist. Rev., Oct., 1899, pp. 95-102. Buchanan to Burke, May 30, 1850.

<sup>2</sup>See 15 Instructions, France, No. 6, Aug. 26, 1844. Also, 12 Despatches, Mexico, Jan. 9, 1845.

<sup>3</sup>1 Despatches, Venezuela, No. 26, Feb. 13, 1837.

<sup>4</sup>2 Despatches, Venezuela, No. 20, Dec. 26, 1842.

<sup>5</sup>5 Despatches, Venezuela, No. 47 and No. 48, January, 1848.

through the mediation of England in 1828.<sup>6</sup> This was followed in 1845 by an Anglo-French blockade of the coast of Buenos Aires.

New sources of possible future danger arose in the four years of the Polk administration. There was an anxious solicitude concerning the destiny of California, which Santa Anna had recently offered to cede to England, and in which many regarded the enforcement of the Monroe Doctrine more necessary than in Cuba. In June, 1845, after the annexation of Texas, Guizot, at the head of the French ministry, proposed the doctrine of a "balance of power" on the American continent in order to preserve the American equilibrium. In 1846 disturbances at Panama, and the Flores expedition against Ecuador, threatened serious complications. In 1847, there were apprehensions of British seizure of Cuba and Porto Rico, and of a Spanish scheme through General Flores to create two new monarchies in the new world—one to include Cuba, Porto Rico and Santo Domingo, and the other the United States of Colombia.<sup>7</sup> Near the close of 1847, Nicaragua in impassioned eloquence implored the enforcement of the Monroe Doctrine. In 1848, at the close of the war with Mexico, conditions in Yucatan and along the Nicaragua isthmian transit route invited the interference and occupation of Great Britain; a territorial quarrel between Peru and Bolivia threatened new dangers of disorders in that quarter; and in Santo Domingo a protectorate was under contemplation by France who desired Samana Bay.<sup>8</sup>

The Polk administration early decided to join battle on the issues involving the principles of the Monroe Doctrine, which Calhoun asserted had "gradually decayed after 1823 until it utterly perished." Polk, who in 1826 had regarded Monroe's message merely as an opinion of the President, in his first annual message (December, 1845), complaining of the principle announced by the French historian and statesman, considered the time proper to reiterate and reaffirm the Monroe Doctrine against "attempts of European Powers to interfere with the independent action of nations on this continent"—which he maintained should have "the right to decide their own destiny." He declared that the United States could "not in silence permit any European interference on the American continent" and would re-

<sup>6</sup>J. B. Moore, *International Law Digest*, Vol. 6, p. 423.

<sup>7</sup>4 *International Am. Conferences*, pp. 204-205.

<sup>8</sup>1 *Despatches, Secret and Special Service*, pp. 19 and 27 (Aug. 27 and Sept. 27, 1848).

sent it at all hazards. He favored distinct announcement to the world that no European colony or dominion shall with our consent be planted or reestablished on any part of the North American continent." His reassertion of the non-colonization principle of Monroe was entirely approved by J. Q. Adams in a statement to Secretary Bancroft.

The intervention on La Plata was regarded with exceptional interest, because it presented a momentous inquiry "whether the United States would lift up its voice against European intervention in South America as well as in North America." The Polk administration promptly made inquiries to ascertain the purpose and effect of the armed intervention there.<sup>9</sup> On October 3, 1845, Lord Aberdeen, in instructions to Pakenham at Washington, gave assurance that the operations were not undertaken with a view of territorial aggrandizement.<sup>10</sup>

In the meantime Brent, the American chargé to Argentina, without authority of his government, offered mediation in favor of Argentina, and his act was never publicly disavowed.

Secretary Buchanan, feeling that the principle asserted in President Polk's recent message had been flagrantly violated by the armed intervention on La Plata, instructed Harris, that, the United States, although under the circumstances it could not participate in the war, should cast its entire moral influence into the scale of Argentina in its struggle against foreign influence. On March 30, 1846, he instructed Harris that, notwithstanding the declarations of Great Britain and France that they had no territorial designs, he should closely watch their movements in that region and immediately report to the American Government any violation of the declaration by an attempt to make territorial acquisitions. But, because of the serious consequences involved, he was to offer no mediation in the dispute without express instructions from Washington.

At the same time Buchanan stated that "purely from regard to Argentina" and in consideration of its struggle against armed intervention of Great Britain and France in the concerns of the republics on La Plata and its tributaries, the President suspended action on the recognition of Paraguay as an independent state. At the same time, he sent a letter of censure to Edward A. Hopkins, a special American agent who, without instructions and at the risk of involving the United

<sup>9</sup>U. S. Mag. and Democratic Rev., March, 1846, pp. 163-84 (Caleb Cushing).

<sup>10</sup>15 Instructions, Argentine Republic, p. 19, March 30, 1846.

States in serious difficulties, had offered mediation in favor of Paraguay, which, by league with Corrientes against Argentina, would have become the ally of England and France in their designs. He based his disapproval upon two time honored principles of the United States: to refrain from interference with other nations, and to oppose the intervention of European Powers in the affairs of independent nations.<sup>11</sup>

Harris, after nearly two years of the Anglo-French intervention by a blockade which he regarded as an illegal means of establishing political influence and to secure cotton territory in the Banda Oriental and exclusive privileges in La Plata, seized an opportune moment to announce the distinct dissent and disapprobation of the United States. On July 1, 1847, without instructions from his government, but with the prospect of getting the good opinion of Argentina, he sent a courteous but distinct protest to Lord Howden and Count Walewski "to assert a principle and to announce a policy upon which the United States Government would be likely to act, should a contingency arise." In his letter of protest, he said that the United States, acting on its own policy of non-interference in the internal concerns of other governments, could not sanction such intervention of one or more governments, and especially could the less tolerate "the attempt to enforce it on this continent by governments whose constitutions or political forms do not recognize the great conservative principle that the people are the true and legitimate source of all power." \* \* \* "I must be permitted to declare it as my opinion that the Government of the United States could not sanction for a moment the establishment of any government or colonies, as political communities in any of the provinces of the Plata, by an European government."<sup>12</sup>

Both Howden and the Count, each inclined to throw the responsibility on the other, replied promptly in separate notes, disclaiming that their governments had any wish or design against the perfect independence of the Argentine Confederation or the Republic of Uruguay.

Advising the increase of the United States naval force on the Brazil station, Harris suggested that the United States ministers in Paris and London should make definite inquiries (regarding the pur-

<sup>11</sup> Special Missions, p. 235, No. 2, March 30, 1846; 15 Instructions, Argentine Republic, No. 39, Dec. 26, 1849.

<sup>12</sup> Despatches, Buenos Ayres, No. 13, Harris to Buchanan, July 15, 1847.

pose) that might at least bring a pause in the operations and give the United States a standing influence in Argentina.

Further action proved unnecessary. England discontinued the blockade, and France soon followed her example.

Harris, later, in reply to a hypothetical question, found it necessary to dispel the delusion of General Rosas that the United States would aid Argentina to resist France in case of war—although Rosas claimed that, on the ground that he was sustaining the American doctrine against intervention from abroad, the United States was morally bound to give him moral support.<sup>13</sup>

Early in 1846 (January 14), influenced by Polk's message, and possibly also by the affairs on La Plata, Senator Allen of Ohio, chairman of the Committee on Foreign Relations, against the opposition of both Webster and Calhoun, asked leave to introduce a resolution asserting the unalterable purpose of the United States, by right of self-preservation, to enforce the doctrine of non-interference and non-colonization by European Powers upon the American continent.<sup>14</sup>

Although the resolution was strongly urged as an opportune assertion of a great principle of self-government in North America, and in opposition to the Guizot doctrine of "balance of power," which France and England were carrying into effect against Buenos Aires, it was strongly opposed and was laid on the table by a vote of 28 to 23.<sup>15</sup> It was later introduced through the persistence of Allen (January 26) and was referred to the Committee of Foreign Relations which allowed it to die.

It was opposed by Calhoun and Webster and Clayton. Calhoun, although he admitted that the interference of France and England with the Government of Buenos Aires was a high-handed and unprecedented outrage, doubted the wisdom of taking under our guardianship and protection the whole family of American states. Declaring that the Monroe Doctrine was announced only to meet a practical specific case, and that it resulted in no practical benefits, and fearing to adopt a policy which might necessitate a strong military government to repel all foreign interference with the affairs of the American continent, he proposed that (for the time) Congress should be satisfied with Polk's

<sup>13</sup>7 Despatches, Buenos Ayres, No. 49, May 14, 1850.

<sup>14</sup>15 Cong. Globe, 29th Cong., 1st Sess., p. 197.

<sup>15</sup>*Ib.*, pp. 240-42.

mere announcement without further action.<sup>16</sup> He suggested that Senator Allen might give a test of his earnestness by a substitute resolution directing the government to interfere at once in behalf of Buenos Aires, and to be prepared to take her under American protection. "True dignity," said he, "consists in making no declaration which we are not prepared to maintain." Cass, replying to Calhoun's opposition against abstract declarations and paper bullets, and stating that the law of nations is determined by the practice of nations indicated by declarations, urged that "monarchical institutions shall not be extended to this continent by any influence, direct or indirect."<sup>17</sup>

Cass later said that the Senate, in refusing to consider Allen's motion, feared that to denounce interference would be interpreted as interference and might thereby lead us into entangling alliances.<sup>18</sup> Senator Clayton later said that Democratic senators voted against the resolutions with the understanding that they were privately opposed by Polk, who had decided to settle the Oregon boundary question by the compromise line of 49°.

The events of 1846-48, which, by accomplishing American extension to the Pacific, brought a realization to the early expectations of Monroe and Adams, also brought the necessity of new problems and larger relations with Spanish America. A series of international problems, involving new American responsibilities and duties, resulted from the occupation of upper California, which Mexico was too feeble to govern and which, if it had been seized by a foreign government, would have involved the United States in an expensive war to maintain the principle of Monroe.

Among the most important problems near the close of Polk's administration were those relating to routes of communication across Central America. Even before the acquisition of California, the American Government accepted new duties at the Isthmus of Panama. In December, 1846, Bidlack, the American representative, negotiated with New Granada a treaty which (by Article 35) pledged the United States to guarantee the neutrality of Panama and the sovereignty of New Granada over it. Polk, in submitting it to the Senate, in February, 1847, although he recognized the danger of entangling alliances,

<sup>16</sup>*Ib.*, pp. 244-47.

<sup>17</sup>*Ib.*, p. 246.

<sup>18</sup>31 Cong. Globe, Vol. 27, Appendix, 32nd Cong., 2nd and 3rd Sess. (p. 91).



suggested that the peculiar circumstances justified the treaty—which was not for any political object, but for a commercial purpose, in which all the world had a common interest.<sup>19</sup> He announced that similar guarantees by Great Britain and France were expected by New Granada.

From a point farther south, also, came the call for protection. On December 9, 1846, Stanhope Prevost, United States consul at Lima, informed Buchanan of a projected expedition of General Flores against Ecuador to interfere with the sovereignty and independence of the republic. On March 24, 1847, Buchanan replied instructing him to assure General Castilla that the United States had watched with intense anxiety the progress of the intended expedition of Flores, from which he had never apprehended any serious danger, and had sympathized with Ecuador and the other republics which were threatened, as she always would in case of any attempt to interfere with the independence of any of the nations on this continent. He reported that Spain (through Calderon) had disavowed to the United States that she had ever had any part in the expedition—thus showing that she had for the present abandoned any intention of encouraging future expeditions of a similar character.<sup>20</sup>

On April 29, 1848, in the case of Yucatan, which as a colony of a foreign nation he thought might prove "dangerous to our peace and security," and with the real object of preventing its occupation by Great Britain, Polk again asserted the non-colonization doctrine, stating that the United States could not consent to a transfer of territory, even by voluntary cession, to a European power.<sup>21</sup> He considered that Yucatan by its position was a territory to which the Monroe Doctrine applied, although Senators Calhoun and John Davis denied that the Monroe Doctrine had any application to the case.<sup>22</sup>

In the debates which followed, Hannegan said that Monroe "embraced in his declarations both the North and South American continents." Root suggested that Monroe had no authority to commit

<sup>19</sup>31 Cong. Globe, Vol. 27, Appendix, 32nd Cong., 3rd Sess., p. 252.

<sup>20</sup>1 Special Missions, p. 255.

<sup>21</sup>J. Q. Adams said the South Americans as independent nations had a right to dispose of themselves. (Adams' Memoirs, 6; 186.)

Cass urged occupation of Yucatan on the ground that it had a right to transfer its sovereignty to European Powers and could do so without giving the United States any cause for offense.

<sup>22</sup>Cong. Globe, 30th Cong., 1st Sess., p. 709.



succeeding generations by his declaration. Calhoun said Polk had stretched the Monroe Doctrine beyond the intentions of Monroe. Senator Niles of Connecticut, advising delay, stated that Monroe in opposing intervention by the Holy Allies did not contemplate intervention by the United States; and, citing the New England boundary, Oregon and British aggressions on the Mosquito coast and against Venezuela by absorptions of Spanish Guiana since 1841, and English and French interference on La Plata, he declared that the principle of non-colonization had never been enforced by action. He saw no facts to prove that the Monroe Doctrine was our policy; and, in referring to the Venezuela boundary dispute, he uttered a warning against assuming the responsibilities which would devolve on the United States by a claim to the right to regulate all the affairs of this continent.<sup>23</sup>

Cass, who suggested that the Gulf of Mexico should become a *mare clausum*, considered action necessary not for conquest, but to protect Yucatan by the enforcement of the Monroe Doctrine. As Europe, after the Portuguese Government was removed to Brazil in 1808, would not have admitted that European nations might become the colonial establishment of American Powers, so naturally arose the idea that American communities can not become the colonial establishment of European Powers. The revolution of Spanish-American communities furnished the opportunity to assert the principle, based upon their connection with other communities of the American continent. In reply to the charge of inconsistency of principles as exemplified in the policy adopted toward French and English operations on La Plata, he explained that these unjust operations were avowedly undertaken to terminate hostilities which had long existed between independent states on that river; and he declared that "the time to test the true principles of American action would come whenever Europe should undertake wars for recolonization of any portion of the American continent, or which might obviously result in such a consequence."<sup>24</sup> Although he desired no union of American nations, or inter-American league or alliance, which might open the way for complicated diplomatic relations, he urged a determined policy of armed

<sup>23</sup>19 Cong. Globe, 30th Cong., 1st Sess., Appendix, p. 610 (May 9, 1848).

<sup>24</sup>Cass later stated that the affair on La Plata and Guizot's announcement relating to occurrences at Buenos Aires were inconsistent with the Monroe Doctrine. (31 Cong. Globe, App., 32-2p. 91, Jan. 15, 1853.)

occupation by the United States, as a non-isolated world power and as the oldest independent state on the American continent, to prevent European Powers from obtaining in America new footholds which might involve us in wars in which the American states should have no interest, and which might later necessitate the resistance of the United States by force of arms. He held that such intervention, to prevent European intervention, was not inconsistent with the Jefferson rule of non-intervention.<sup>25</sup>

Calhoun, laboring with logic, endeavored to prove that Monroe's mere declaration against European intervention, originally made in entire accord with British feeling and never carried into effect by resistance under the power of Congress, was an obsolete shibboleth, and that the Adams declaration against European colonization did not apply to worthless Yucatan, which had invited the assistance of England to relieve her government. Although, under similar circumstances and on grounds of expediency, he would have been willing to interfere in Cuba, he could not agree that the United States should interfere in Yucatan, even if England should assert her *sovereignty* there.<sup>26</sup>

It appears from subsequent despatches from Mexico that the weak and declining Mexican Government regarded Yucatan as a useless and heavy burden which it would have been willing to see shifted to other shoulders as regardless of the political consequences of the change as it seemed to be regardless of its own stability.<sup>27</sup>

On the day following his Yucatan message, and before the arrival of the news of the ratification of the treaty of peace with Mexico, Polk proposed to his cabinet the purchase of Cuba—a policy which was possibly hastened by the fear (in 1846-47) that England might grasp the opportunity to seize the island and the neighboring island of Porto Rico. On June 17 he wrote "profoundly confidential" instructions to Saunders. Introducing the proposal to purchase by reference to conditions which might result in the seizure of Cuba by England, in whose hands it would ruin the commerce of the United States and endanger the union of the States, he restated the policy of the United States to allow it to pass under dominion of no European Power.<sup>28</sup>

<sup>25</sup>*ib.*, pp. 613-15 and p. 619.

<sup>26</sup>Calhoun's Works, Vol. 4, p. 454.

<sup>27</sup>13 Despatches, Mexico, No. 48, Walsh to Clayton, Sept. 13, 1849.

<sup>28</sup>J. M. Callahan, Cuba and International Relations, pp. 207-08.

Two weeks earlier, the matured Latin American policy<sup>20</sup> of the Polk administration was expressed by Secretary Buchanan, in his instructions to Appleton, in opening diplomatic relations with Bolivia, the only Latin American country to which the United States had not previously sent a minister. After stating that "We entertain a cordial sympathy for all the republics on this continent," Buchanan urged that "Liberty can not be preserved without order." Hoping that Peru in order to prevent future irritation would agree to cede the port of Arica to Bolivia, he urged that Spanish American countries, instead of weakening themselves by domestic dissensions, should try to act with a united harmony that would not encourage enemies of free government to argue that man is not fit for self-government. "The nations on this continent are placed in a peculiar position," said he. "Their interest and independence require that they should establish and maintain an American system of policy for their protection and security entirely distinct from that which has so long prevailed in Europe. To tolerate any interference on the part of European governments with controversies in America, and to suffer them to establish new colonies of their own intermingled with our free republics, would be to make, to the same extent, a voluntary sacrifice of our independence. These truths ought everywhere throughout the continent of America to be impressed on the public mind."<sup>20</sup>

A similar expression of the same basis of policy was made two days later in the instructions to Hise, who was appointed minister to Central America, after the news that British ships, in disregard of the Monroe Doctrine, had (on January 8) dictated terms to Nicaragua on San Juan river. At the same time, after stating that "it is our intention to maintain our established policy of non-intervention in the concerns of foreign nations," he added: "But what can the United States

<sup>20</sup>On May 13, 1848, Secretary Buchanan, in instructions to Mr. Livingston, minister to Ecuador, after referring to the failure of the military and naval expedition which General Flores (former president of Ecuador) had organized in Europe in 1846, said, "You will also assure him [President of Peru] that the intervention or dictation, direct or indirect, of European governments in the affairs of the independent States of the American hemisphere, will never be viewed with indifference by the Government of the United States. On the contrary, all the moral means at least, within their power, shall upon every occasion be employed to discourage and arrest such interference." (Moore, *Int. Law Digest*, Vol. 6, p. 473.)

Later in the year, after reports of English and French designs in Santo Domingo, Buchanan sent a secret agent (Ben. E. Green) to defeat the efforts of Great Britain to get Samana Bay. (1 *Desps. Secret and Spl. Service*, pp. 19 and 27 and p. 133, Feb., 1849.)

<sup>201</sup>Instructions, Bolivia, p. 2, Buchanan to Appleton, June 1, 1848.

do to resist such European interference whilst the Spanish-American republics continue to weaken themselves by divisions and civil war, and deprive themselves of doing anything for their own protection."<sup>31</sup>

Senator Clayton, several years later, suggested that the Polk administration in its policy in Nicaragua had exhibited no great desire "to prove the Monroe Doctrine to the British." Buchanan, however, had already answered such criticism near the close of 1849. "It was not a moment to take a stand on the Monroe Doctrine," said he, "although neither Mr. Polk nor any member of his cabinet thought of abandoning the Monroe declaration, at least so far as North America was concerned."

## 2. POLICY UNDER THE TAYLOR AND FILLMORE ADMINISTRATION.

The foreign policy of the Taylor-Fillmore administration was largely influenced by the effects of the acquisition of California, which stimulated an increased interest in European international politics and necessitated better means of communication, better and larger relations with Latin America and the Orient, and a more respectable naval force on the Pacific.<sup>32</sup>

Early in the administration, there was considerable discussion in favor of a change of policy with a view to closer coöperation with England. These views are expressed in a pamphlet printed for private distribution by W. H. Trescot in 1849. Opposing a policy of isolation and approving the earlier concerted action between Monroe's cabinet and Canning, Trescot proposed as a basis of American foreign policy an Anglo-American alliance for the protection of interests in the Far East against designs of Russia, a closer diplomatic relation with the foreign relations of European states, consideration of colonial policies, and intervention in the international relations of Europe to preserve the European balance of power in regard to colonial empire—in short that the United States calmly take her place at the counsel board of the world. As a basis of principles for American policy in Cuba, he proposed that the Gulf of Mexico should be under the protection of the United States and England, thus providing for the settlement of problems by joint counsel of the nations which had the largest interests, and avoiding the pretension of any other Power to inaugurate operations of conquest or to interfere in any possible contingency in

<sup>31</sup>15 Instructions, American States, pp. 51-61 (Guatemala).

<sup>32</sup>8 Despatches, Peru, No. 27, June 12, 1849.

the affairs of that region. Fearing that the annexation of Cuba would lead to costly necessities of further annexation in that region, he proposed that the best probable escape from such costly necessities was the coöperation of the United States and Great Britain in a guarantee of the independence of the island.

Richard Rush, who in a memorable instance had participated in a useful concerted movement with England, and who believed that the United States as a world power could not be wholly detached from world movements and must modify some earlier rules of political conduct, approved the proposed policy of Anglo-American harmony and joint counsel, and even a policy of concerted movements, if, necessary, and if the objects, time and manner of application could be arranged under the safeguard of our own approval and right of decision. But as he was aware that the popular voice, whether hastily or deliberately uttered, would henceforth decide questions of foreign policy before the Executive or Congress could consider them, and would be apt to proclaim absolute American ascendancy in the Gulf of Mexico and on the American continent and its adjuncts, he doubted whether the large majority of his countrymen, influenced by suspicions of England and by an increasing self-confidence resulting from rapid expansion and the spirit of manifest destiny, could be induced to share with England a policy to counteract reactionary influences among any of the great continental Powers of Europe, however much the opinion was spreading that we could make all nations like ourselves.<sup>33</sup>

The idea of an Anglo-American alliance in the interest of oppressed peoples was contemplated by Kossuth and others during the struggle of Hungary for independence; and the speeches of Robert J. Walker in England foreshadowed such an alliance.

Some seemed to contemplate a policy of armed intervention by the United States alone. A writer in the *Democratic Review* said: "We must transfer the field of war to the soil of Europe and change the issue from a contest whether monarchs shall beard us here to a contest whether they and their impious practices shall for an hour longer be tolerated there."<sup>34</sup>

Among those who favored intervention in European affairs as against the traditional policy of the United States was William H. Seward. On January 20, 1850, he introduced a joint resolution pro-

<sup>33</sup>Richard Rush, *Occasional Productions* (Phila., 1860), p. 143, *et. seq.*

<sup>34</sup>*Democratic Review*, January, 1852.

testing against the policy of Russia and declaring that the United States in the future would "not be indifferent to such acts of national injustice, oppression and usurpation, whenever and wherever they may be committed."<sup>35</sup> Cass, although demanding a protest, opposed any act of interposition. Several members of the House declared that Washington's counsel was no longer applicable, since we had emerged from the days of our early weakness.<sup>36</sup> On March 9, 1852, Seward, still urging a protest against Russia, declared that times had changed since Washington and Jefferson—that Monroe had sympathized with Greece, and Polk with the French republic of 1848. To those who feared war, and the danger of secession in the United States, he denied that a protest would result in war and pronounced "secession a feverish dream."<sup>37</sup>

The administration, although it maintained the earlier policy, was criticized for its attitude in connection with the Hungarian revolt. On September 30, 1850, Hülseman, the Austrian chargé, protested against American interest in European political affairs and suggested that such American policy might be exposed to retaliatory acts and inconveniences affecting the commerce of the two hemispheres. Webster, admitting that America had viewed with interest the extraordinary movements and events in parts of Europe since 1848 and might be pardoned for its affection for popular forms of political organization, which had recently attracted attention elsewhere, replied (December 21) that the United States, consistent with its traditional neutral policy, had abstained at all times from acts of interference with the political changes of Europe. Referring to Hülseman's suggestion of hypothetical retaliation, he remarked that the government and people of the United States "taking neither a direct nor an indirect part in the domestic and intestine movements of Europe, were willing to take their chances and abide their destiny without fear of acts of retaliation which Mr. Hülseman had imagined and which could better be discussed after they should actually arise."<sup>38</sup>

In his message of December 2, 1850, Fillmore, stating that the policy of the United States was to act toward others as she would desire others to act toward her, announced that he would abstain from inter-

<sup>35</sup>Cong. Globe, 32nd Cong., 1st Sess., p. 310.

<sup>36</sup>*Ibid.*, pp. 173 and 177.

<sup>37</sup>Seward's Works, Vol. 1, pp. 196-221.

<sup>38</sup>Webster's Works, Vol. 6, p. 488ff.



ference in the internal affairs of foreign Powers. In his second annual message, he said that the United States, whose true mission was to teach by example of self-government, and not by force to impose its form of government on other countries, avowed a neutral policy of friendly relations with all, but entangling alliances with none, and was "anxious to see the same forbearance on the part of other nations whose forms of government are different from our own."

On January 12, 1852, after the change in the French Government, Webster, although he regretted the overthrow of popular institutions in France, adhered to the principle of Washington and Jefferson and instructed Rives that the United States had no choice but to acknowledge the new government. On December 17, 1852, Everett notified Sartiges that the United States acquiesced in the will of the French people constitutionally expressed.

The increased interest of the United States in the affairs of the world determined the beginning of a new policy in the Pacific. On July 14, 1851, following apparent designs of France upon the Hawaiian Islands, Webster asserted the policy of the American Government and said "the United States can never consent to see those islands taken possession of by either of the great commercial Powers of Europe, nor can it consent that demands manifestly inconsistent with a *bona fide* independence shall be enforced against that government."<sup>80</sup>

At the same time the administration found it necessary to consider the question of closer relations with other American nations. In his first annual message, President Taylor expressed the general policy of the administration in regard to Latin American nations. He said:

The United States stand as the great American Power to which, as their natural ally and friend, they will always be disposed first to look for mediation and assistance in the event of any collision between them and any European nations. As such, we may often kindly mediate in their behalf without entangling ourselves in foreign wars or unnecessary controversies. Whenever the faith of our treaties with any of them shall require our interference, we must necessarily interpose.

Possibly encouraged by this declaration, Venezuela in 1851 sought to induce the United States to form an alliance "or at least to take a more decided stand to protect the South American republics."

<sup>80</sup>H. Ex. Doc. 48, 53—2. Sen. Ex. Doc. 77, 52—2.

The most important questions of foreign policy related to the region bordering on the Gulf and the Caribbean. On July 19, 1849, interpreting the recent treaty with New Granada, by which the United States had guaranteed the neutrality of the Isthmian transit route, Secretary Clayton said: "The obligations we have assumed (by guarantee of neutrality of the Isthmus) give us a right to offer, unasked, such advice to the New Granadian Government, in regard to its relations with other Powers, as might tend to avert from that republic a rupture with any nation which might covet the Isthmus of Panama."<sup>40</sup> In the following December he authorized Bancroft at London to make overtures to Great Britain to accede to the guarantee.

Early in June, 1849, Secretary Clayton instructed Bancroft at London to inquire of England her intentions as to the acquisition of the Bay of Samana from Santo Domingo.<sup>41</sup> In the following year, he agreed to coöperate with England and France in a mediation requested by the Dominican republic to secure peace with the Empire of Hayti. This policy was continued by Webster, sustained by a fleet with orders to coöperate with those of England and France in any measures short of actual coercion.<sup>42</sup> E. C. Marshall of California said that in Hayti, by the appointment of Walsh to act with Great Britain, the administration had violated a principle of the Monroe Doctrine in our foreign policy the very clearest and least liable to dispute.<sup>43</sup> The "independence of Hayti from Europe is of more moment to us than that of Cuba," said he, "and the interference to protect the whites there is our duty and interest and should be without coöperation of any European Power."

The previous Cuban policy was modified. Secretary Clayton, believing that previous declarations to the effect that the whole power of the United States would be used to prevent the occupation of Cuba by foreign Powers had provoked counter-declarations of a similar character by other interested Powers (expressed to Spain against the United States), instructed Barringer, on August 2, 1849, not to continue the threats of Forsyth by which the United States had so long

<sup>40</sup>15 Instructions, Colombia, pp. 121-26, No. 1. Clayton to Foote, July 19, 1849.

<sup>41</sup>16 Instrs., Gr. Br., p. 75, No. 10, Dec. 13, 1849; 16 Instr. Gr. Br., June 4, 1849.

<sup>42</sup>J. B. Moore, *Internat. Law Digest*, Vol. 6, pp. 509-14.

<sup>43</sup>31 Cong. Globe, Vol. 27, Appendix, 32-2 and 3, pp. 71-79.

been bound, and to make no guarantees to Spain, but to leave the United States free to act at the proper time.<sup>44</sup> Clayton later said this revocation was initial evidence of an American policy not to agree to a tripartite convention with the European Powers for the preservation of Cuba to Spain.<sup>45</sup> On April 8, 1852, Lord Malmesbury, by invitation of Spain, and stating that England and France agreed with the past policy of the United States, and probably getting the suggestion of the idea from the Clayton-Bulwer Treaty, instructed Crampton to propose a tripartite arrangement disclaiming all designs on Cuba "both now and hereafter."<sup>46</sup> Webster, who could not agree to see a combination of England and France for the protection of Cuba, on April 29 instructed Barringer that Spain, if it would agree not to cede to any European Power, could rely on the United States to assist her in the defense and the protection of the island. On April 29, 1852, Webster, in a letter to Crampton, after declining to unite with European Powers in the interest of Cuba, said that "the policy of the United States has uniformly been to avoid, as far as possible, alliances or agreements with other states, and to keep itself free from national obligations, except such as affect directly the interests of the United States."<sup>47</sup> Secretary Everett later indicated that the rejection of the proposal was based partly on the feeling that nature had made two continents with separate interests, that the proposed agreement was not suited for a rapid changing new world, and that the condition of Cuba was largely an American question in which the United States had a special and intimate interest, and a duty which she should be free to exercise without disturbing foreign relations.<sup>48</sup>

<sup>44</sup>14 Instructions, Spain.

<sup>45</sup>31 Cong. Globe, Vol. 27, Appendix 32-3, p. 278.

<sup>46</sup>44 British and Foreign State Papers, p. 114.

<sup>47</sup>J. B. Moore, *Internat. Law Digest*, Vol. 6, p. 460.

<sup>48</sup>*South Quart. Rev.*, Jan., 1854.

In submitting the correspondence to Rives at Paris, Secretary Everett explained that the policy of the United States was based upon "The steady rule of our policy to avoid, as far as possible, all disturbances of the existing political relations of the West Indies." Although he recognized that the United States had had an opportunity to get a permanent foothold in Santo Domingo, where the United States needed a naval station as much as any European Power, he felt that the attempt of one of the great Powers to obtain exclusive advantages in the West Indies might end in converting the archipelago into a great theater of "national competition for exclusive advantages and territorial acquisitions which might become fatal to the peace of the world." (15 Instrs. France, No. 56, Dec. 17, 1852.)

Late in 1852, Mr. Conkling, the American minister at Mexico, made an interesting suggestion of a policy of coöperation of the Powers in Mexico. Disgusted with the inefficient government under Mexican leaders, and speaking without instructions from his government, he suggested to Lavasseur, the French minister, who concurred, that: "It might not be amiss for the great commercial nations to consider whether it would not be both just and expedient for them by compact between themselves to assume, so far at least as relates to commerce, the government of a country whose pretensions to any capacity for self-government were so clearly preposterous."<sup>49</sup> Replying to the suggestion that such a course might result in discords between the Powers of diverse interests, he said that such discords could be avoided by carefully devised stipulations.<sup>50</sup>

On April 30, 1852, Webster and the British minister at Washington agreed to propositions for the adjustment of questions between Costa Rica and Nicaragua, relating to Indians and boundaries, which had been first considered in the preceding July. These propositions were accepted by Costa Rica but rejected by Nicaragua. On August 12, in a note to the President, Webster seemed to indicate that his mediation had been resented in Central America. "It has never been the purpose of the United States," said he, "to interpose, directly or indirectly, in the affairs of the states of Central America, with a view to settle the controversies between them by any influence whatsoever exercised by this government, without their request or free consent. The mediation and friendly offices of this government have been solicited, and this request has been complied with and nothing more. Not a step has been taken to coerce either of those governments into any measures not satisfactory to itself \* \* \* although it is to be deeply regretted that, for national purposes, they are not united in some form of confederacy."

The most important question of American foreign policy in the Taylor-Fillmore administration was the Clayton-Bulwer Treaty of 1850. Secretary Clayton, a practical statesman, who later admitted

<sup>49</sup>16 Despatches, Mexico, No. 7, Dec. 24, 1852.

<sup>50</sup>At the same time, in reply to the Lavasseur statement that England had designs on Yucatan which caused her to interfere to prevent any adjustment of the Tehuantepec question, he declared that the United States would never permit such an appropriation so long as it had power to prevent, and that its ability to maintain the settled policy not to allow European governments to extend their domains on this continent was not likely soon to be diminished.

that he had never been a radical defender of the Monroe Doctrine, in negotiating the treaty, was actuated largely by a practical purpose to avoid a dangerous situation and to facilitate the completion of a great enterprise. He recalled Hise from Nicaragua because he considered that his treaty, negotiated without instructions, was an extravagant application of the Monroe Doctrine involving the United States in an entangling political alliance by engaging her "to guarantee to Nicaragua forever the whole of her territory and to become a party to her defensive wars for the protection of territory." Sending Squier to negotiate a treaty which would not involve the American Government in unnecessary controversies with foreign Powers, he instructed him that the Monroe Doctrine, which the United States was always willing and ready to maintain, was not inconsistent with a policy to "concede equal rights of transit to all nations" desiring to use the interoceanic canal.<sup>51</sup> After the purchase of Tigre Island from Honduras by Squier to prevent its possession by Great Britain, desiring to relieve the dangers of a critical situation in a determined struggle for control, he disapproved the act. He warned Squier in the future to be governed by his instructions, "and particularly by so much of them as relates to entangling alliances with foreign nations." He then proceeded to open the way for a practical adjustment.<sup>52</sup>

To secure the withdrawal of England from territorial occupation against which American sentiment was fixed and irreversible, Clayton was willing to share with her jointly the political control and use of the canal, with a guarantee of neutrality, based upon the doctrine of international freedom of transit, which had been favored by Clay in 1826 and supported by unanimous resolutions of Congress in 1835 and 1839, and which President Polk in 1846 had not found inconsistent with his notions of an aggressive Monroe Doctrine. On April 19, 1850,<sup>53</sup> he was successful in negotiating a treaty on this basis, which, although it was not intended as a preliminary step toward the repudiation of the Monroe Doctrine, became a source of endless misunderstanding.

<sup>51</sup>15 Instructions, American States, pp. 64-94 (Guatemala).

<sup>52</sup>31 Cong. Globe, Vol. 27, Appendix, 32nd Cong., 3rd Sess., p. 254. Sen. Ex. Doc., 43, Vol. 5, 31-2, Feb. 28, 1851; 40 Br. and For. State Papers, 1850-51.

<sup>53</sup>Clayton at this time had a despatch from Letcher, the American minister in Mexico, reporting rumors and fears of British designs to seize Lower California for the payment of debts due British citizens. 14 Desps. Mex., No. 3, March 8, 1850.

When the treaty came before the Senate some objections were made that it seemed to involve an entangling alliance, but these objections were waived.<sup>54</sup>

With larger political foresight, perhaps, Clayton by a firm stand might have obtained, as a condition of all negotiations, the British abandonment of the (Mosquito) protectorate over the "dependencies" of British Honduras (Belize) and thus would have prevented many later misunderstandings with Great Britain and years of controversy at Washington and London.<sup>55</sup>

Having negotiated the treaty to secure the protection of the British Government to the Nicaragua canal and to liberate Central America from the dominion of any foreign power, he stated (May 7, 1850), in his instructions to American representatives in Central America, that the United States could never recognize the existence of any claim of sovereignty of Mosquito Indians in Nicaragua, and announced that the attempt of Great Britain to occupy, fortify, colonize or exercise dominion or control in any part of the Mosquito coast or Central America would inevitably produce a rupture with the United States.

The treaty was severely criticized as an infraction of the Monroe Doctrine, or as an entangling alliance with England in regard to the affairs of the American continent and for the settlement of questions connected with the United States.<sup>56</sup> By some it was regarded as "a ring in our nose which prevents us even from accepting voluntary annexation of any part of Central America."<sup>57</sup> It was opposed by many prominent men, who strongly advocated the acquisition of the Isthmian and similar possessions and urged that we should hold the gate to the Pacific and the keys which controlled it. It was strenuously opposed by Buchanan on the ground that it restricted the United States by the stipulation relinquishing the right to annex or occupy any part of distracted and disunited Central America which might become necessary for the security of the communication with our Pacific possessions. Buchanan said it "reverses our principle and makes Great Britain the protector of the whole of Central America, and establishes her influence there on sure foundations."<sup>58</sup>

<sup>54</sup>31 Cong. Globe, Vol. 27, Appendix, 32-3, March 14, 1853 (pp. 263-66).

<sup>55</sup>Am. Whig Rev., March, 1856, p. 276, *et seq.*

<sup>56</sup>25 Cong. Globe, Vols. 23, 31-2, p. 263.

<sup>57</sup>U. S. Whig Rev., May, 1853.

<sup>58</sup>Am. Hist. Rev., Oct., 1899, pp. 95-102; Buchanan to Burke, May 30, 1850.



In the discussion in the Senate, early in 1853, Senator Douglas said: "The article inviting any power on earth \* \* \* to enter into similar stipulations \* \* \* recognizes the right of European Powers to interfere with the affairs of the American continent. \* \* \* It establishes, in terms, an alliance between the contracting parties and invites all other nations to become parties to it."<sup>50</sup> Replying to the assertion of Douglas that the treaty repudiated the Monroe Doctrine, Senator Clayton declared: "I must tell him that it presents the only instance in which an European Power which had attempted to colonize a portion of this hemisphere, and to extend the European system here, has been induced by the action of this government to abandon the attempt."<sup>60</sup> Senator Everett, fresh from the State Department, and regarded by some as the valedictorian of the Whig administration, approved the Clayton-Bulwer understanding for the accomplishment of a practical enterprise through territory of Central American countries; and, in reply to those who preferred to treat with the small Central American republics for their protection, he said: "Looking back for a period of nearly thirty years upon the history of these countries, I can not find the time nor the occasion when we could have enlisted actively in their affairs with any prospect of doing them the least good, or without departing from all the safe and settled principles of policy of our country."<sup>61</sup>

In 1856, Senator Clayton, although he had repeatedly warned the Senate that an attempt to resort to the Monroe Doctrine would always be a failure, said that, if England broke the Clayton-Bulwer Treaty by misconstruction, he would vote "to drive her from Central America under the color of the Monroe Doctrine," or under any other pretension which others might choose, in order to secure redress for injury inflicted.<sup>62</sup>

<sup>50</sup>31 Cong. Globe, Vol. 27, Appendix, 32-2, p. 171.

<sup>60</sup>31 Cong. Globe, 32-2 and 3, p. 255.

<sup>61</sup>31 Cong. Globe, Vol. 27, Appendix, 32-3, p. 285.

<sup>62</sup>41 Cong. Globe, 34th Sess., p. 441.

In a speech on January 12 and 16, 1854, in reply to Cass, Clayton patriotically declared: "All Americans—those who regard the faith of treaties, and all who regard the principles of the Monroe Doctrine, would be united in the defense of American rights and in resistance to foreign oppression of American republics." (35 Cong. Globe, Vol. 29, Appendix, 33-1, p. 100.)

Clayton, in the Senate, later, said the issue in Central America could be better met by the Clayton-Bulwer treaty than by the threats of the Monroe Doctrine or of debates in Congress. Although he doubted not that there might

### 3. POLICY UNDER PIERCE AND UNDER BUCHANAN.

The feature which characterized the foreign policy of the administration of Pierce, and especially that of Buchanan, was the aim to achieve the long-desired result of securing our control in the Gulf of Mexico and the Americanization of the region thereabout, including in its scope the abrogation of the Clayton-Bulwer Treaty and the vindication of the Monroe Doctrine.<sup>63</sup>

Secretary Marcy in a letter to Buchanan, Minister at London, in referring to Cuba, indicated that in accord with the Monroe Doctrine the United States, after unsuccessfully warning European Powers against interference to assist Spain to recover an American colony, would undoubtedly have recourse to other means to resist such interference. At the same time, referring to the annoyance to the United States produced by the Belize Mosquito protectorate, he stated that the Monroe Doctrine committed itself to the approval of the whole American people.<sup>64</sup>

Pierce in his message of December, 1854, said: "Leaving the trans-Atlantic nations to adjust their political system in the way they may think best \* \* \* the independent Powers of this continent may well assert the right to be exempt from all annoying interference on their part."

Some urged a clear reaffirmation of the Monroe Doctrine and an announcement of policy by Congress in the form of abstract resolutions. On January 4, 1853, Cass, a persistent advocate of the efficiency of resolutions of policy, introduced a resolution:

That the United States do hereby declare that "the American continents, by the free and independent condition which they have assumed and maintain are henceforth not to be considered as subjects for future colonization by any European Power." And \* \* \* they owe it to their own "safety and interests" to announce, as they do now, that no future European colony or dominion shall, with their consent, be planted or established on any part of the North American continent! That while the

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arise a case requiring the application of the Monroe Doctrine, he declared "You can never prevail on Congress to go to war with a foreign nation for the violation of a principle laid down by Monroe."

(36 Cong. Globe, 33-2, pp. 835-36.)

<sup>63</sup>Mobile Register, Jan. 1, 1858 and Feb. 8, 1859.

<sup>64</sup>16 Instrs. Gr. Br., pp. 222-23 and 238 July 6, 1853, No. 2, Marcy to Buchanan.

United States disclaim any design on the Island of Cuba, inconsistent with the laws of nations and with their duties to Spain, they consider it due to the vast importance of the subject, to make known in this solemn manner, that they should view all efforts on the part of any other Power to procure possession, either peaceably or forcibly, of that island, which as a naval and military position must, under circumstances easy to be foreseen, become dangerous to their southern coast, to the Gulf of Mexico, and to the mouth of the Mississippi, as unfriendly acts, directed against them, to be resisted by all the means in their power.<sup>65</sup>

In the interesting discussion which followed, a strong opposition was expressed against a general warning resolution, which by some was regarded as useless and by others as impractical. Among those who opposed it was Senator Seward, who was inclined to favor the more specific resolution in regard to Cuba. Optimistically regarding the abstract affirmation of the Monroe Doctrine as a useless statement of what had already been accomplished by the higher law of time and national destinies, which made the doctrine obsolete,<sup>66</sup> he emphasized two propositions as a basis of a practical foreign policy:

1. The safety of the Southern States requires the United States to be watchful of the presence of European Powers or plans of European colonization in the southern part of the North American continent.
2. The tendency of commercial and political events invites the United States to assume and exercise a paramount influence in the affairs of the nations situated in this hemisphere \* \* \* balancing itself against the possible combinations of Europe.<sup>67</sup>

On January 6, 1854, Buchanan (at London), reviewing the conditions in Central America which threatened to bring the United States into a collision with Great Britain, incidentally stated that the Monroe Doctrine of 1823 would "be maintained, whenever, in the opinion of Congress, the peace and safety of the United States shall render this necessary."<sup>68</sup>

During the entire period from 1853 to 1861, there was almost con-

<sup>65</sup>30 Cong. Globe, Vol. 26, 32nd Cong., 2nd Sess., p. 199.

<sup>66</sup>"The Monroe Doctrine was a right one...because it was well-timed. As a practical question it has ceased to be. It is obsolete. You are already the great continental power of America."

<sup>67</sup>Seward's Works, Vol. 3, pp. 605-18 (Jan. 26, 1853).

<sup>68</sup>65 Despatches, Great Britain, No. 20, Buchanan to Marcy, Jan. 10, 1854.

stant apprehension of European designs or policies antagonistic to the principles of the Monroe Doctrine and to the ideals of the American system of government. France, especially, sought to secure political ascendancy in Spanish America. In 1853 the Government of Ecuador urged eternal vigilance to check inroads of European despotism and to prevent vast schemes for European dominion in South America.<sup>69</sup> William L. Cazneau, in December, 1854, wrote Marcy that the interruption of friendly relations of the United States with the Dominican Republic had been due entirely to menaces and intrigues of French and English diplomatic agents, who, in their active hostilities to the interests of the United States, and acting as "mediation powers" between Santo Domingo and Hayti, assumed a dictatorial supervision altogether incompatible with the independence of the Dominican Republic.<sup>70</sup> At the same time Clay wrote from Peru that the British and French representatives had protested against the treaty of the United States with Ecuador (of November 20, 1854) relating to guano at Gallipagos, and especially against Article 11, which they alleged established a protectorate over the Gallipagos. Villamos, the French chargé at Lima, speaking of American designs on Cuba and the Sandwich Islands and other territory, said the French Emperor had determined to curb the spirit of the United States.<sup>71</sup> Later General Flores, who from a safe distance was watching for an opportunity to get control of the Government of Ecuador, used his efforts in Chile to create an organization against American encroachment.<sup>72</sup>

Ancizar, the New Granada chargé at Lima (December 20, 1854), suggesting to Clay (the American minister) that the season of common danger might be at hand, desired that the United States adopt a liberal policy of sustaining and protecting the nations of South America with a view to uniting the two Americas, morally and politically. Clay, referring to the increase of British and French opposition since the annexation of California, which made the United States the chief Power on the Pacific, and especially to French and English endeavors to secure political ascendancy in Spanish American republics, urged a more effective foreign policy in relations with Spanish America and

<sup>69</sup>1 Notes from Ecuador, Dec. 1, 1853.

<sup>70</sup>Special Service (Despatches), pp. 752-59 and 786-89 (Dec. 26, 1854).

<sup>71</sup>11Despatches, Peru, No. 239, Dec. 25, 1854; 3 Despatches, Ecuador (Confidential), White to Marcy, Nov. 24, 1854.

<sup>72</sup>3 Desps., Ecuador, No. 47, March 31, 1855.

the establishment of the controlling influence of the United States in the Western Hemisphere.<sup>73</sup> He said:

Our position as a nation of the Pacific, the increase of our relations with the countries bordering on it, demand that we should manifest a greater interest than heretofore in South American affairs. We have neglected this too long. \* \* \* We have never adopted any general policy with regards to the nations of this continent, beyond that connected with our declared principles of non-interference with the affairs of other nations—a wise policy doubtless in an infant state, but which can not be undeviatingly pursued when it has grown to be a great nation. \* \* \*

The United States have arrived at a point in their progress as a nation, that we will be forced by circumstances to interfere in the affairs of other states, whether we desire it or not. The sooner the government marks out for itself a line of policy with regards to the republics of South America, combining more or less its interests with theirs and manifesting some concern in their advance toward prosperity and amelioration, the better will it be for the cause of humanity.<sup>74</sup>

In Central America,<sup>75</sup> the fear of the designs of American filibusters created against the United States, much antipathy which was shared in Latin American countries, farther south and often stimulated by European counsels. Walker, after his attempt on Lower California and Sonora, sailed to Nicaragua to exert an influence as mayor of the palace. Other citizens of the United States, full of military spirit, and seeking adventure, followed. In January, 1855, Marcoleta, in a note to Marcy, protested against the "schemes \* \* \* devised against Central America by these modern Phœnicians who assume

<sup>73</sup>11 Despatches, Peru, No. 239, Dec. 15, 1854.

<sup>74</sup>Senator Cass, asserting that France and England had recently acted in concert in opposition to every measure of American foreign policy (in Cuba, in Hawaii, in Santo Domingo, in Ecuador, in the Gallipagos Islands and elsewhere) said the United States should declare her rights in the Gulf and the Caribbean and its intention to maintain them.

(36 Cong. Globe, Vol. 30, 33rd Cong., 2nd Sess., Feb. 20, 1855.)

<sup>75</sup>To avoid boundary disputes, such as that between Nicaragua and Costa Rica, which gave England an opportunity to assert her earlier territorial claims, Marcy favored the reestablishment of the Central American confederation. In December, 1853, he instructed Borland to express American anxiety to prevent European intermeddling in the affairs of Central America and to encourage Honduras to resist the British encroachments; but, desiring to be left free to determine what course to pursue, he warned him not to pledge his government to expel the British from the Bay Islands.

military titles \* \* \* and grasp the sword and the musket instead of the ploughshare, the axe and the shepherd's crook, thinking to make conquest of the golden fleece which they believe to be hung and secreted amidst the briars, forests, thickets and swamps \* \* \* under the by no means attractive and seductive influence of a pestiferous and fever-giving atmosphere."<sup>76</sup> Although the American Government was not responsible for all the "Land and Mining companies," it felt a natural tendency to austral expansion.<sup>77</sup> In 1856, Bell of Tennessee in the Senate said that the Monroe Doctrine had "become a doctrine of progressive absorption and annexation and conquest of Spanish America." Rather than annex Mexico and Central America he preferred to become their protecting ally.<sup>78</sup>

In the latter part of 1856, Costa Rica, complaining of the policy of the United States in recognizing the government of Walker in Nacaragua, proposed a congress of American states, with a plan to make Cuba a free state with the consent of Spain and with the supposed purpose of an alliance against the aggressions of the United States.<sup>79</sup>

One of our prominent American diplomats in South America (Dana in Bolivia), in a long reply to the allegations of Costa Rica, defended the American policy of expansion, and denied that the United States was preparing to annex Central America. He urged that the American policy was that North and South America should stand together and sustain each other in self-government.<sup>80</sup> A few days later, in a

<sup>76</sup>2 Notes from Central Am., Jan. 16, 1855.

<sup>77</sup>41 Cong. Globe, 34th Cong., 1st Sess. (L. D. Evans, in Appendix, July 24, 1856).

<sup>78</sup>*Ib.*, Feb. 26, 1856.

<sup>79</sup>On March 31, 1855, soon after the negotiation of a guano treaty between the United States and Ecuador, the watchful Mr. White, after perusing the Valparaiso newspaper, reported that Chile, which through the efforts of General Flores had become disaffected toward the United States, would probably send to Quito a minister invested with ulterior discretion to enlist Ecuador in a Spanish American league against United States "encroachment." (3 Despatches, Ecuador, No. 47, March 31, 1855.) In 1856-57 the archives are full of allusions to the Spanish American League and to various negotiations regarded as unfriendly to the United States and to the general interests of republican institutions in America. On January 31, 1856, Peru and Costa Rica negotiated a treaty of mutual protection and guarantee. Similar stipulations were signed in Chile by Peru, Chile and Ecuador, and in Washington by representatives of Costa Rica, Peru, New Granada, Mexico, Guatemala, Salvador, Nicaragua, Venezuela and Brazil (12 Desps., Chile, No. 34, Feb. 26, 1859).

<sup>80</sup>1 Despatches, Bolivia, Feb. 28, and (No. 34) March 13, 1857.



despatch of twenty-four pages to Cass, called forth by the Walker expedition and the proposed Spanish American congress, he suggested that the basis of the American fixed policy should be the Monroe Doctrine and non-expansion southward (except in the islands of the Gulf) and treaties of alliance guaranteeing the integrity of Spanish America.<sup>81</sup>

By 1856, a more aggressive American policy in regard to control of transit and canal routes was indicated in the actions and declarations of the administration at Washington.<sup>82</sup>

In 1856, after a riot at Panama, Secretary Marcy, in order to protect the transportation of persons and property across the Isthmus, proposed with New Granada a treaty for a cession of a belt of land twenty miles wide from the Atlantic to the Pacific, and certain islands in the Bay of Panama (*viz.*, Tobago, Flamingo, Ilenao, Perico and Culebra) for use as naval stations. A special mission was sent to negotiate, but it was not successful.<sup>83</sup> In September, 1857, Cass declined to form a triple alliance with England and France for joint guarantee of the neutrality of the Isthmus of Panama, stating that a guarantee by the United States, in common with other Powers, of the neutrality of the Isthmus of Panama, is inconsistent with the policy of the United States.<sup>84</sup> A month later he declined a similar arrangement for enforcing United States neutrality laws. Although the President expressed his purpose to enforce the laws against filibustering, he did not consider it necessary to avail himself of the assistance of other Powers to arrest expansion to Central America.<sup>85</sup>

In 1858 Cass instructed Lamar to warn Nicaragua of the dangerous consequences which might ensue should she yield to French influence and contract for a canal under control of European companies.<sup>86</sup> When the Supreme Chiefs of Nicaragua and Costa Rica, on May 1, 1858, asserted that a filibustering expedition was preparing to invade

<sup>81</sup> Desps., Bolivia, No. 36, March 25, 1857.

<sup>82</sup> Buchanan was elected on a Democratic platform of 1856 (June 2) which asserted the national need for the principles of the Monroe Doctrine, favored their application "with unbending rigidity," and urged that the United States could under no circumstances surrender her preponderance in the adjustment of all questions arising from the control of the canal routes and the inter-American relations incident thereto.

<sup>83</sup> Sen. Ex. Doc., 112, 46th Cong., 2nd Sess., Vol. 4 (March 8, 1880), pp. 21-27.

<sup>84</sup> Notes to Gr. Brit., Sept. 10, 1857.

<sup>85</sup> Notes to Gr. Brit., (Private), Oct 20, 1857.

<sup>86</sup> 15 Instrs., Am. States, No. 6, June 3, 1858.

them under patronage of the United States, intimated that the United States was urging the annexation of the whole Isthmian region, and appealed to France and England and Sardinia for a protectorate, Cass replied that the appeal indicated a line of policy looking to European intervention in American affairs to which the United States had long since avowed its opposition and which it would resist under all circumstances.<sup>87</sup> He immediately made inquiry of France, who as promptly disclaimed any connection with a canal scheme, and gave assurances that she had no designs in Central America.

Cass agreed that the Isthmian routes should be neutral highways "for the world." "But," said he, "the establishment of a political protectorate by any of the Powers of Europe over any of the independent states of this continent, or in other words, the introduction of a scheme of policy which would carry with it a right to interfere in their concerns, is a measure to which the United States have long since avowed their opposition, and which, should the attempt be made, they will resist by all the means in their power." Stating the reasons, he said:

They are founded on the political circumstances of the American continent, which has interests of its own (and ought to have a policy of its own) disconnected from many of the questions, which are continually presenting themselves in Europe concerning the balance of power and other subjects of controversy, arising out of the conditions of its states, and which often find their solution or postponement in war. It is of paramount importance to the states of this hemisphere that they should have no entangling union with the Powers of the Old World, a connection which would almost necessarily make them parties to wars having no interest for them, and which would often involve them in hostilities with the other American states contiguous or remote. The years which have passed by since this principle of separation was first announced by the United States have served still more to satisfy the people of this country of its wisdom and to fortify their resolution to maintain it, happen what may.

Late in the autumn of 1858, Cass sent instructions to Mason at Paris strongly protesting against foreign protectorates in Central America.<sup>88</sup>

<sup>87</sup>*Ib.*, July 25, 1858.

<sup>88</sup>Instrs., France, No. 169, Nov. 26, 1858; Despatches, France, (Confidential), Dec. 18, 1858.

Buchanan, in his message of December 5, 1858, said it was the duty of the United States to herself to protect the integrity of Central American territory against hostile interference of any other Power.

Near the close of Buchanan's administration, the critically conflicting views in regard to the interpretation of the Clayton-Bulwer Treaty, which Buchanan and Clarendon had so warmly discussed under the Pierce administration, and which Dallas and Clarendon (in October, 1857) had endeavored to adjust by an agreement which the Senate failed to ratify (May, 1857), and which Lord Napier sought to adjust by two alternatives which the American Government would not accept, were finally settled by three British treaties (with Central American Powers) which proved satisfactory to Cass and seemed to vindicate the Monroe Doctrine.

The Mexican problem, which thrice had been adjusted by change of boundaries, still persisted after the Gadsden purchase. Complicated with Southern interests and largely under the influence of Southern statesmen, the remedy most persistently proposed for its solution, in connection with an American transit route across Mexico, was an additional reduction of Mexican territory by a new cession to the United States, or, if that should fail, the establishment of an American protectorate which was expected in time to result in new annexations to the stronger country. The problem, only partially solved by the Pierce administration, was inherited by the Buchanan administration, which continued to negotiate: first, for the acquisition of additional Mexican territory and territorial concessions as long as there was any hope of success, and later for territorial concessions and direct intervention (to enforce treaty stipulations), until the secession of the Southern States precipitated the beginning of the American Civil War and thereby increased the possibility and probability of the long-predicted intervention of European Powers in Mexico, and exposed Mexican territory to the possible designs of Confederate filibusters.<sup>89</sup>

Concerning the condition in Mexico at the close of 1854, Gadsden wrote Marcy: "If the congress of American ambassadors which assembled at Brussels \* \* \* agree in reporting the entire absence of democratic feeling in Europe, I feel called upon to advise the

<sup>89</sup>Rp. Am. Hist. Ass'n., 1910, pp. 133-151.

President that the zeal and untiring efforts of the One Man Government now bearing sway in Mexico is to extinguish the last spark of liberty, ignited during the thirty years of revolution through which this distracted country has passed."<sup>18</sup> In April, 1855, he wrote: "It is imperative that the United States anticipate possible events in the East, which may leave the allies at liberty to concentrate their power in the American seas, and relieve the Mexican rule from apprehension of a premature alliance in designs not limited to one continent." Six weeks later (in May), writing that Santa Anna was drifting into an alliance with England, France and Spain on the Cuban issue and to check the growth of the United States, he advocated that the United States, as the exponent of liberal government in the Americas, should coalesce with the liberals, whose government had been violently expelled by a "one man military despot," and to interpose to prevent alliances hostile to the American system and to save Mexico to the Americas. In November, 1855, he informed Marcy that the allies were doubling their energies to win the new government in favor of the "Europeanization" of Mexico, and that it might falter and succumb to European influence if the United States failed to interpose for its rescue.<sup>19</sup>

Forsyth, who in 1857 succeeded Gadsden, considering the conditions in Mexico and the dangers from European expeditions, suggested an Americo-Mexican alliance by the infusion of Americans in the Mexican army. "What Mexico wants," he said, "is a firm and good master to hold her destinies in his hands and to save her from herself. Mexico can not furnish such a master and may welcome one from abroad." In the spring of 1858, the subject of a United States protectorate for Mexico was discussed in both countries. In view of the rumored alliances of European Powers, many thought the Executive and Congress should make a clear and emphatic enunciation in favor of an inflexible maintenance of the Monroe Doctrine and American control on the American continent.

Cass, having heard the rumor from Europe that Spain planned to attack Mexico to secure political ascendancy, instructed Dodge that the United States "will not consent to the subjugation of any of the

<sup>18</sup>18 Desps. Mex., No. 51, Dec. 16, 1854.

<sup>19</sup>19 Desps. Mex. (No. 60), Apr. 3 (No. 63), May 18, and (No. 77) Nov. 25, 1855.

independent states of this continent by European Powers, nor to the exercise of a protectorate over them, nor to any other direct political influences to control their policy or institutions." The Pr sident, in a message of December 5, referring to American interests in Mexico, said: "We have never hitherto interfered with its internal affairs, and it is a duty which we owe to ourselves to protect the integrity of its territory against the hostile interference of any other Power."

McLane, who succeeded Forsyth in Mexico, contemplated the possibility of alliance with the constitutional government against the Mexican violators of treaty obligations. He continued to hope that the Juarez Government, which was proposing to nationalize the church property (the principal resource of the Miramon Government), would establish with the United States a political relation that would give character and force to end the strife which was destroying the empire, and to prevent the schemes of the clergy to procure European intervention, which was especially favored by the French minister as a means to circumvent the "dangerous expansive designs of the Colossus of the North" in its relation with the Juarez Government and its political policy on the American continent.<sup>92</sup> The Juarez Government submitted a project of a treaty of alliance, offensive and defensive, for protection and consolidation of democratic principles and constitutional government. McLane also submitted a project, but declined to consider the subject of a general treaty of alliance for interference with the domestic administration of Mexico except for America's own security and in connection with the protection and defense of rights that should be established between the United States and Mexico. Finally, convinced that on account of the feeling in the northern provinces the constitutional government could not at that time negotiate a treaty embracing the cession of Lower California, McLane wrote Cass that a treaty on transit routes (the Tehuantepec, the routes from the Rio Grande via Monterey to Mazatlan, and from Rancho de Nogales to Guaymas) with an additional article authorizing the United States to use its military power to enforce the treaty stipulations, would secure the ascendancy of American influence in Mexico and establish a government of constitutional freedom there.

Cass insisted that the United States should have the right to use her discretion without waiting for the consent of Mexico for using

<sup>92</sup>Desps. Mex., No. 12, May 7, 1859.

military force to protect the transit routes. He also disapproved the suggested military alliance between the United States and Mexico, perhaps especially because it was "intended not for a temporary emergency but as a part of a general treaty whose failure it might endanger."<sup>17</sup> The Juarez Government at first treated Cass's demand as an insurmountable obstacle to negotiations, but finally realized the importance of taking advantage of its opportunity, especially when informed that sooner or later the United States Government would be compelled to act without reference to Mexico or any other government.

By December 15, McLane concluded a treaty of transits containing the desired stipulations, by which the United States, without incurring the obligation or necessity of a general intervention in the domestic affairs of Mexico, was given a right to intervene in the support of its own treaty rights and for the security of its own citizens whenever Mexico should be unable to guarantee such rights.

Three weeks later (May 24), Cass announced to McLane the failure of the Senate to approve the treaty. Buchanan, probably suspecting the designs of the Emperor of France, and doubtless foreseeing that an attempt by the French to colonize any part of Mexico would almost necessarily involve the United States in a war with France to vindicate the Monroe Doctrine, was much disappointed. In his last annual message (of December 3), speaking of the refusal of Congress to give him power to use the military forces of the United States in Mexico, he said:

European governments would have been deprived of all pretext to interfere in the territorial and domestic concerns of Mexico. We should have thus been relieved from the obligation of resisting, even by force, should this become necessary, any attempt of these governments to deprive our neighboring republic of portions of her territory, a duty from which we could not shrink without abandoning the traditional and established policy of the American people.

In July, 1860, Lord Lyons submitted a proposition inviting the United States to join France and England in addressing an identical note to Miramon and Juarez advising the call of a national assembly to settle their domestic difficulties. Trescott, the new assistant secre-

<sup>17</sup>17 Instrs., Mex., pp. 245-61, No. 16, July 30, and No. 21, Nov. 4, 1859.



tary, replied that the general policy of the United States was opposed to any interference of other Powers in the domestic affairs of an independent nation, and especially in Mexico where the President had recognized the Juarez Government as a constitutional one.<sup>94</sup>

McLane proposed that the United States minister in Mexico should confer with the British, French and Spanish ministers in Mexico at his own discretion and opportunity in order to advise them: (1) that he would use his best offices to facilitate all efforts to restore peace, provided the right of the people of Mexico to establish and regulate their own government and political destiny should be respected and treated as a fundamental element of the proposed pacification of Mexico; (2) that while the right of all Powers to demand redress for all wrongs and injuries, and to enforce the demand, was fully admitted, yet the wrong complained of must be properly the subject matter for international reparation, and in enforcing the demand the political institutions of Mexico must be respected and not overthrown or changed. Cass replied that, notwithstanding the President's good wishes and desire for the exemption of Mexico from all foreign possession or control, the United States could not lend the aid requested by the Juarez Government; that the United States would not oppose advice by the European Powers to induce the contending parties in Mexico to enter into an amicable arrangement and establish a stable free government sustained by a majority of the Mexican people; but that if they should undertake to extort assent and establish European ascendancy, the United States would meet the attempt by armed action, in case Congress should adhere to the policy which had so long been avowed and publicly proclaimed.<sup>95</sup>

In September, 1860, Mr. Cass, in an interview with Tassara, declared that the United States was utterly opposed to the possession of Mexico by any foreign Power and to any forcible interference with a view to control of its destiny, and that any measure for such objects would be resisted by the United States "by all the means in their power." Mr. Tassara gave the most explicit assurance that Spain had no intention of retaining possession of any part of Mexico or of undertaking to control its political destiny.<sup>96</sup>

<sup>94</sup>17 Instrs., Mex., No. 38, Aug. 8, 1860.

<sup>95</sup>26 Desps., Mex., Sept. 1, 1860; 17 Instrs., Mex., pp. 306-38, No. 39, Sept. 20, 1860.

<sup>96</sup>Moore, *Internat. Law Digest*, Vol. 6, p. 481.

Near the close of the year McLane sent Mr. La Reintrie as a special agent of the legation on a mission to declare to the Liberal leaders and to the foreign representatives the policy of the United States in regard to foreign interference: that the United States had declared to the European Powers her determination to resist any forcible attempt to impose a particular adjustment of the existing conflict against the will of the Mexican people, and that while she desired the pacification of the country, she denied the right of the European Powers to interfere directly or indirectly with the political independence of Mexico (and had gotten from them a disclaimer of any such purpose).<sup>97</sup> La Reintrie promptly informed the foreign ministers in Mexico that the United States approved the policy of the Liberals in regard to the peace negotiations of the European Powers, and "was determined to resist any forcible attempt to impose a particular adjustment of the existing conflict against the will and sanction of the people of Mexico, and also any forcible intervention, by any foreign power, which looks to the control of the political destiny thereof." "The Government of the United States does not deny to European Powers the right to wage honorable warfare for a sufficient cause," said he, "but it does deny them the right to interfere, directly or indirectly, with the political independence of the Republic of Mexico, and it will to the extent of its power defend the nationality and independence of said republic." The sequel to the story of persistent negotiations, which terminated in an unratified treaty, may be found in the Confederate policy to form an alliance with Mexico or to absorb it; the French policy of intervention in Mexico, and the American policy under Seward to prevent the execution of both Confederate and French policies and to preserve the integrity and independence of Mexico.<sup>98</sup>

#### 4. THE POLICY OF SEWARD UNDER LINCOLN AND JOHNSON.

The general policy of Seward is well known. Persistently and vigorously declaring the right of the United States to manage its own domestic concerns, including the right to independent action in suppressing insurrection within its own borders, he also firmly opposed the intervention of foreign Powers in the international affairs of

<sup>97</sup>26 Desps., Mex., No. 104, of Nov. 5, and 106, of Nov. 12, 1860.

<sup>98</sup>J. M. Callahan, *Seward's Mexican Policy*.

neighboring republics. His official correspondence, a monument to his unwearied powers of work and his varied ability, is a credit to American diplomacy. In the face of despairing notes from his ministers abroad, he never despaired of the success of the republic. The simple inscription which may be seen on his tomb at Auburn fittingly furnishes the key to his service to his country in its darkest hour: "He was faithful."

Throughout a critical period, requiring unusual watchfulness and judgment to prevent serious international complications, Seward held to the traditional policy of non-alliance and non-intervention, although he probably contemplated a change of policy to meet emergencies which might arise.

On October 30, 1861, writing to Dayton at Paris, he said:

We have not been ambitious for the isolation of the new continent \* \* \* but we are not insensible that it has the resources and capacity to rise, if unjustly wounded, above the necessity of the relations which it has hitherto maintained toward the Old World.<sup>99</sup>

On August 8, 1862, in a circular to Dayton, contemplating the possibility of European interference or mediation in the Civil War, Seward said that the American republican nation must cease to exist when a foreign authority is admitted to any control over its council.

The nation, moreover, is an American one \* \* \* situated in a hemisphere where interests and customs and habits widely differing from those of Europe prevail. \* \* \* We have no voice in the congresses of Europe and we can not allow them a representation in our popular assemblies. All the American states were once dependencies of European Powers \* \* \* have not realized their safety against European ambition. For this reason also we must be left by foreign nations alone to settle our own controversies and regulate our own affairs in our own American way. \* \* \*<sup>100</sup>

Declining to accept the invitation to coöperate with France, Austria and Great Britain in appeal to Russia relating to the question of Poland, he stated that the traditional policy of non-intervention, inau-

<sup>99</sup>16 Instrs., France, No. 75, Oct. 30, 1861.

<sup>100</sup>16 Instrs., France, pp. 230-39, No. 204.

gured by Washington, was an insurmountable objection to active coöperation, and although Washington had contemplated that the United States in later years might perhaps participate in consultations of foreign states, the foreign policy "could not be abandoned without the most urgent occasion, amounting to a manifest necessity."<sup>101</sup>

An apparent exception to Seward's general policy was made in the case of the Panama transit route. Requested by each of two rival belligerent parties in New Granada to send aid under the obligations of the treaty of 1846 to protect the Panama transit route against the other party, and seeing the danger of becoming involved in the domestic struggle there, Seward consulted with England and France with a view to an understanding, requesting their views and inviting them to unite with the United States in guaranteeing safety of transit. This was made the basis of a newspaper assertion that Seward had solemnly renounced the Monroe Doctrine by soliciting the interference of Europe in the internal affairs of Mexico.<sup>102</sup> On March 19, 1863, Romero wrote Seward that if the cabinets of England and France had accepted the proposal of the United States and sent land forces to the Isthmus of Panama, the result would have been none other than a European intervention, inconsistent with the American policy with which Mexico had been in full accord.<sup>103</sup>

Although Seward recognized the American duty at Panama, he carefully avoided interference in internal quarrels of Colombia. In October, 1862, when the question of the separation of Panama arose, Seward in instructions to Burton said:

The President does not stop to inquire what may be the influences of the Panama railroad company. This government acts independently of all such influences. It has no part and it will have none in the internal political questions of the country by whose favor it enjoys the railroad whose neutrality it guarantees for ample equivalents.<sup>104</sup>

<sup>101</sup>16 Instrs., France, pp. 376-80, No. 342, May 11, 1863.

<sup>102</sup>Instrs., Gr. Br., No. 296, July 11, 1862; Desps. Gr. Br., No. 201, Aug. 1, 1862; 16 Instrs., Fr., p. 240, No. 205, Aug. 25, 1862; 52 Desps., Fr., No. 185, Aug. 29, 1862; 2 Notes from New Granada, June 26, 1862; 3 Communications from Agents of Colombia, Jan. 6, 1863.

<sup>103</sup>12 Notes from Mex., March 19, 1863.

<sup>104</sup>16 Instrs., Colombia, p. 52, No. 43, Oct. 28, 1862.

Again, on November 9, 1865, he wrote Burton:

The purpose of the stipulation (Article 35 of the treaty with New Granada, 1846) was to guarantee the Isthmus against seizure or invasion by a foreign Power only. It could not have contemplated that we were to become a party to any civil war in that country by defending the Isthmus against another party.<sup>105</sup>

In 1868, following the proposal of Colombia, which desired certain changes in the treaty of 1846, Seward sent Cushing as special agent to join the United States minister at Bogota in the negotiation of a projected treaty, resulting in a draft treaty "embodying the Monroe Doctrine." The new treaty, by which the United States would have secured the absolute control of the Darien canal, was approved by Seward, but was rejected by the Senate of Colombia and (in February, 1869) failed to receive the approval of the Senate of the United States.<sup>106</sup> Both Seward and Fish, not regarding the proposition for a change as equivalent to a notice of termination, later considered the old treaty as still in force.

Near the close of the American Civil War, Seward recognized the advantage of a moral coöperation with England in the development of Latin America. In his instructions to Adams on January 15, 1865, stating that the President had never failed to forecast the dangers of alienation between Great Britain and the United States arising from the war of secession, Seward said:

It is his purpose \* \* \* to impress upon the habitual policy of the government a friendly and even fraternal disposition toward Great Britain so that the two nations may go on harmoniously together favoring everywhere the development of just principles of free responsible government and the progress of a human civilization, especially in Central and Southern America and in the portion of the Eastern World being reopened to western commerce.<sup>107</sup>

In 1866, when the United States contemplated the acquisition of Tigre Island, in connection with the discussion of the northwestern

<sup>105</sup>*ib.*, pp. 144-45, No. 134.

<sup>106</sup>Sen. Ex. Doc., 112, 46th Cong., 2nd Sess.; 4 Notes from Colombia, Apr. 23, 1867.

<sup>107</sup>Baker, Works of Seward, Vol. 5, p. 414.

boundary question, Seward instructed Adams to sound Clarendon on the probable attitude of the British Government toward the contemplated American acquisition of coaling stations in Central America,<sup>108</sup> a proposition which might have been regarded as a violation of the Clayton-Bulwer Treaty.

Latin American nations, although they continued to be suspicious of the United States until the close of the Buchanan administration, changed their attitude in the period of our Civil War, when Russia became our best friend abroad and helped to prevent the other great Powers from interfering in our affairs. The Central American people, seeing that the causes which produced filibustering were passing away as the Union gained victories, and fearing the designs of all Europe, and especially of France, against American states, became more friendly to the northern eagle and anxiously hoped for the restoration of the Union. Soon after the fall of Vicksburg and the failure of Lee at Gettysburg some advocated annexation to the United States.<sup>109</sup>

The Latin American mind, which in 1821 urged the recognition of the new Spanish American states as a measure which would "naturally establish an American alliance, capable of counteracting the European Powers and protecting our republican institutions," continued to dream of such an alliance. In the spring of 1862 Peru, viewing with alarm the international situation in the West Indies and Mexico, which she regarded as the beginning of a crusade for reconquest of her former colonies, initiated and urged a Spanish American movement to hold a Panama congress to form a union or alliance for protection. She and other states which favored the movement relied exclusively on the American Government as the natural protector and only guarantee of their further existence as republics, and felt that without the adhesion of the United States the alliance would have no practical result in a contest with Europe.

On June 4, 1862, Seward replied:

The United States, suppressing an insurrection which proposes to introduce foreign authority into our own country, sympathizes with the Spanish American states in their resolute deter-

<sup>108</sup>20 Instrs., Gr. Br., pp. 456-61, No. 1745, Apr. 25, 1866.

<sup>109</sup>4 Desps., Guatemala, No. 12 (Crosby), May 6, 1862, and No. 32, May 15, 1862; 2 Desps., Costa Rica, No. 86 (Riotte), Oct. 13, 1863; 24 Desps., Colombia, No. 273 (Burton), Sept. 13, 1866.



mination to retain their own sovereignty and invaluable republican institutions. Happily the most effective aid which we could lend them is being rendered by our success in defending a similar sovereignty and similar institutions against similar dangers.<sup>110</sup>

On July 7, adhering to the traditional policy of Washington and declining to enter, at that time, into the proposed Panama congress, he said, "A guarantee of sovereignty to South American states is inconsistent with the policy of the United States." Although he recognized that Washington's policy had not been enjoined as a perpetual one, but only as a policy to be pursued until the union or integrity of the nation could be developed, he said the question of according the protection asked was also a practical one involving a consideration of ability to furnish the surplus force which might be required. "Again," said he, "our own difficulties and dangers are present, actual, engaging, absorbing; those of the Spanish American states are at most but probable and future." "Moreover," said he, "the most effective aid which we can at any time render them is to be afforded hereafter as heretofore by the moral influence resulting from the stability and strength of our republican institutions. So far as the improvement of society, the increase of national strength are concerned, each of the Spanish American republics must of course work out the case for itself. \* \* \* But the policy \* \* \* is a policy of time, prudence, and peace, not of war and conquest."<sup>111</sup>

Riotte informed the Government of Costa Rica that although the United States sympathized with the Spanish American nations in their determination, and was engaged in a struggle equally in favor of Spanish American integrity and independence, she could hardly regard the time as a proper one to abandon her policy, inherited as a legacy from Washington, to avoid entangling alliances.<sup>112</sup>

On December 1, 1864, Bruzual expressed to Seward the disposition of the Venezuelan Government to unite in the great Hispano-American alliance of the American republics for which a congress was being assembled at Lima "to oppose pretensions which Europe may have on America or any part of it" and the desire that the United States,

<sup>110</sup>16 Instrs., Am. States, p. 214, No. 18 (to Riotte) June 4, 1862.

<sup>111</sup>16 Instrs., Am. States (Central Am.), pp. 225-29, No. 20, July 7, 1862 (Also see No. 25 of Sept. 17, 1862).

<sup>112</sup>1 Desps., Costa Rica, No. 44, Aug. 27, 1862.

as the first American Power, should be the center of the Union of the American republics. Seward, after various inquiries, stated that in such an affair the deliberation of Congress would be necessary, and expressed his opinion:

In the history and policy of the United States, its invariable conduct has been and is, not to enter into any kind of alliance with foreign Powers, but the United States viewed with pleasure and without distrust or apprehension the proposed alliance of Spanish American republics to insure their nationality and integrity and, while occupied with its own affairs, would show constant friendship toward those who are opposing political innovations on this continent.<sup>113</sup>

On June 2, 1866, when the allied states of South America (including Chile and Peru), in a war against Spain, expected the United States to assert the Monroe Doctrine, Seward said that, although the United States could not be expected to participate in ordinary South American wars,<sup>114</sup> the American Government would "maintain and insist with all the decision and energy which are compatible with our existing neutrality that the republican system which is accepted by any one of these states (of South America) shall not be wantonly assailed, and that it shall not be subverted as an end of a lawful war by European Powers."<sup>115</sup>

At the same time, informed by Tassara that Spain had given conditional orders for the seizure of the Chincha Islands from Peru (although Tassara explained his government had not been influenced by the idea of acquiring territory or of intervening in the internal affairs of Spanish American republics), Seward promptly wrote a protest to the American minister at Madrid, stating that if Spain per-

<sup>113</sup> Communications from Venezuela, Dec. 1, 1864.

<sup>114</sup> "Those who think" said he, "that the United States could enter as an ally into every war in which a friendly republican state on this continent becomes involved, forget that peace is the constant interest and unwavering policy of the United States \* \* \* We have no armies for the purpose of aggressive war; no ambition for the character of a regulator. \* \* \*

If there is any one characteristic of the United States which is more marked than any other, it is that they have from the time of Washington adhered to the principle of non-intervention, and have perseveringly declined to seek or contract entangling alliances even with the most friendly States." (Dip. Cor., 1866, part 2, p. 413.)

<sup>115</sup> Instrs., Chile, pp. 333-37, No. 9, June 2, 1866; Moore, Internat. Law Digest, Vol. 6, pp. 507-08.

sisted the United States must not be expected "to remain in their present attitude of neutrality between Spain and the Spanish American republics." This protest, on the request of Tassara, who was allowed to read it, was withheld, but Seward confidentially informed the American minister at Madrid to express informally the hope that Spain would not reoccupy the Chincha Islands, because such a proceeding would seriously tend to disturb harmonious relations between Spain and the United States.<sup>116</sup>

In October, 1866, stating the willingness of the United States to exercise its good offices to stop a war of Brazil, the Oriental Republic and Argentina against Paraguay, he said:

The United States feel that in a political sense all republics and all American states are sufferers by wars on this continent which are either unnecessary or unreasonable in the beginning or which are unnecessarily or unreasonably protracted.<sup>117</sup>

In September, 1868, after Brazil had declined the good offices of the United States in the interests of peace, and in answer to a suggestion for demonstrative action by the United States to bear on the unhappy war of La Plata, Seward wrote:

I think it proper to say confidentially for your information that the people of the United States are at this moment intensely occupied with domestic political questions. This condition of the popular mind practically excludes all questions of foreign policy and no thought of any measure which would require the exercise or manifestation of authority on foreign fields can be entertained. This may be different by the time Congress meets.<sup>118</sup>

Through the entire period of the Civil War and for two years thereafter, Seward had no more difficult problem than that presented by the Mexican situation. Confronted with European movements against Spanish America and anxious to grapple with serious international

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<sup>116</sup>In the following May, Seward, in a confidential interview with the Spanish minister, said the United States was content that Cuba should indefinitely remain a colony of Spain, but must regard with very great concern its transfer to any foreign power.

(Moore, *Internat. Law Digest*, Vol. 6, p. 456.)

<sup>117</sup>16 Instrs. Brazil, p. 158, No. 189, Oct. 10, 1866.

<sup>118</sup>*Ib.*, p. 213 (Private), Sept. 22, 1868.

politics, he at first proposed a counter movement "to arouse a vigorous spirit of independence on this continent against European intervention, and warned Spain that the further prosecution of a policy of armed intervention in the Dominican Republic or any other part of the American continent or islands would be met by the United States "with a prompt, persistent and, if possible, effective resistance." Calmed by the consideration of the serious foreign problems resulting from the war of secession, he patiently awaited a more favorable opportunity for active resistance against foreign intervention.

To guard against the extinction of the Mexican republic, he authorized Corwin to negotiate with Mexico a treaty by which—provided the European Powers would consent to forbear from resort to hostilities in Mexico—the United States would agree to pay the interest on the Mexican funded debt for five years, taking for security a mortgage on the public lands and mineral rights of northern Mexico. This plan did not meet the approval of France and England, who probably feared that it was "preliminary to an entry for foreclosure," rather than an effort to maintain the abstract principle announced in the Monroe Doctrine, and was also opposed at Washington by many senators, who feared it might result in annexation. Later (March 2, 1862), in a circular expressing the views of the American Government in regard to the demonstration of the allies against Mexico, he said:

The President has relied upon the assurance given by the Allies that they were in pursuit of no political object. \* \* \*

Nevertheless, the President regards it as his duty to express to the Allies, in all kindness and candor, that a monarchical government established in Mexico, in the presence of foreign fleets and armies, occupying the waters and the soil of Mexico, has no promise of security or permanence; in the second place, that the instability of such a monarchy would be enhanced if the throne were assigned to a person alien to Mexico; that in these circumstances the new government would instantly fall unless sustained by European alliances, which, under the influence of the first invasion, would be practically the beginning of a permanent policy of armed intervention by monarchical Europe, at once injurious and inimical to the system of government generally adopted by the American continent.

These views are based upon some knowledge of the opinions and political habits of American society. There can be no doubt that in this matter the permanent interests and the sympathies of our country would be on the side of the other American republics.

Against the later occupation of Mexico by the French, whose Emperor was a master of words and an adept in ambiguities, he gave discreet warnings which could be quoted to advantage at a more convenient season in which the United States might be able to take a more active part in the Mexican drama. He was not slow to see the danger to the possible preponderance of the United States threatened by the establishment of the Franco-Mexican empire, which, conceived as a direct blow to the Monroe Doctrine, might ally with the weakened Southern Confederacy and proceed to extend French dominion southward from Mexico to the gateway of the Isthmus, where it might construct a canal and lay tribute on the commerce of the world.

After the establishment of the government of Maximilian, Seward promptly stated that, although the American Government, relying on the constant assurances of France, made no formal protest and had no purpose to interfere in the quarrel, the United States had not concealed her earnest solicitation for the well being of Mexico and her sensitiveness of foreign intervention. He urged that the interests of France required an early solution of the complications on a basis of the unity and independence of Mexico. "Nor can the United States deny," said he, "that their own safety and the destiny to which they aspire are intimately dependent on the continuance of free republican institutions throughout America."<sup>119</sup>

After a series of similar utterances, Seward said (on March 6, 1865): "Our policy toward Mexico is unchanged. It rests with France to decide whether this is satisfactory. We shall defend ourselves if assailed on our own ground. We shall attack nobody elsewhere."<sup>120</sup>

Bigelow expected his government to adhere to the doctrine of non-intervention in the Mexican situation. In the spring of 1865, in an interview with l'Huys at Paris, he said the success of republican institutions in the Spanish American states "had thus far not been such as to encourage us to attempt the propagation of them there otherwise than by example, and that whatever government was acceptable to the Mexican people would be satisfactory to us."

<sup>119</sup>On September 2, 1863, Clay, writing to Seward from St. Petersburg, said, "Whether we move at once to maintain the Monroe Doctrine in Mexico \* \* \* there is but one opinion among Americans, and that is that the Monroe Doctrine ought to be and shall be vindicated." (20 Despatches, Russia, No. 19.)

On September 19 he suggested that the time had come for all America to unite in a defensive alliance to sustain the Monroe Doctrine.

<sup>120</sup>17 Instrs., France.

When Seward returned from a visit to Auburn, New York, on July 3, he promptly wrote Bigelow as follows:

It is thought that the argument which you have recited in the passage thus extracted is not warranted by the instructions of this department. It will be well at your convenience to make this explanation to Mr. Drouyn de l'Huys. So far as our relations are carried, what we hold in regard to Mexico is that France is a belligerent there in war with the Republic of Mexico. \* \* \* Our friendship toward the Republic of Mexico and our sympathies with the republican system on this continent, as well as our faith and confidence in it, have been continually declared. We do not intervene in foreign wars or foreign politics. Political intervention in the affairs of foreign states is a principle thus far avoided by our government. \* \* \* <sup>121</sup>

After Seward, in a private note of August 7, again asked Bigelow to make explanations which might be necessary to remove any misapprehensions or hopes of l'Huys, Bigelow still felt it his duty "to avoid saying anything which would commit our government to extreme measures in any contingency." On August 21, in a long "unofficial" despatch, evidently written to discourage any contemplated change from a passive policy to one of active armed intervention, Bigelow said:

I think you will find, when the question is raised in practical shape with all its attendant responsibilities before our people, that with them the opposition to the extension of European influences in the Western Hemisphere is a sentiment which they cherish but not a policy for which they will fight. A war for such a purpose would become unpopular.

The abstract folly of making ourselves the armed champions of all or any of the Spanish American states, whose people belong to a different religion and who have been trained under social and political institutions having very little in common with those of the United States, would be aggravated now by the state of our finances which are likely for many years to tax all our resources to the utmost. The Spanish race in our hemisphere will require for many years a much more centralized government than we can offer them under our present constitution, and, therefore, it is hardly worth our while, under pretext of defending

<sup>121</sup>17 Instrs., France, pp. 393-95, No. 187, July 3, 1865.



republican institutions, to get ourselves into a war with one and perhaps several of the most powerful states of Europe.

I doubt if there is a Power in Europe that would formally sustain our pretensions under what is called the "Monroe Doctrine." \* \* \*

In a war \* \* \* to redress the wrongs of Mexico or to propagate republicanism by the sword, we would in my opinion be likely to fail. \* \* \*

Our recent war was only for national existence. \* \* \* Our government is based on the will of the people, who will not prosecute an expensive war for *soi-disant* republics.<sup>122</sup>

On September 6, in confidential instructions of a more decided tone, referring to the basis of American opposition to France in Mexico, Seward said that

This nation has, at various times since its organization, found necessity for expansion, and that the like necessity may reasonably be expected to occur hereafter. \* \* \*

We do not insist or claim that Mexico and the other states on the American continent shall adopt the same political institutions to which we are so earnestly attached, but we do hold that the people of those countries are entitled to exercise the freedom of choosing and establishing institutions like our own if they are preferred. In no case can we in any way associate ourselves with the efforts of any party or nation to deprive the people of Mexico of that privilege. \* \* \*

It is perceived with much regret that an apparent if not a real, a future if not an immediate, antagonism between the policies of the two nations seems to reveal itself in the situation of Mexico. \* \* \* The United States have at no time left it doubtful that they prefer to see a domestic and republican system of government prevail in Mexico, rather than any other system.<sup>123</sup>

On December 6, in reply to Montholon's statement that France was willing to retire as soon as the United States could give assurance of a tolerant disposition toward the Maximilian Government, Seward said in explanation of American discontent:

We recognize the right of sovereign nations to carry on war with each other if they do not invade our right or menace our

<sup>122</sup>58 Despatches, Fr., No. 158, Aug. 21, 1865.

<sup>123</sup>17 Instrs., France, pp. 432-37, No. 259.

safety or just influence. The real cause of our national discontent is,<sup>124</sup> that the French army which is now in Mexico is invading a domestic republican government there which was established by her people and with whom the United States sympathize most profoundly, for the avowed purpose of suppressing it and establishing upon its ruins a foreign monarchical government, whose presence there, so long as it should endure, could not but be regarded by the people of the United States as injurious and menacing to their own chosen and endeared republican institutions. \* \* \*

It seems to us equally objectionable that European states should forcibly intervene in states situated in this continent to overthrow republican institutions and replace them with monarchies and empires.<sup>125</sup>

On February 12, in a note to Montholon inviting the Emperor to set a definite date for French withdrawal, Seward said:

The people of the United States have not seen any satisfactory evidence that the people of Mexico have spoken and have called into being or accepted the so-called empire. \* \* \*

The presence of European armies in Mexico, maintaining a European prince with imperial attributes, without her consent and against her will, is deemed a source of apprehension and danger, not alone to the United States, but also to all the independent and sovereign republican states founded on the American continent and its adjacent islands. France is acquainted with the relations of the United States toward the other American states to which I have referred, and is aware of the sense that the American people entertain in regard to the obligations and duties due from them to those other states.<sup>126</sup>

Beginning with a policy "to leave the destinies of Mexico in the keeping of her own people," he advanced in 1867 to a decided threat of war to induce France to withdraw.<sup>127</sup> He formed a policy of his

<sup>124</sup>Mr. Seward's note, of December 6, 1865, to Montholon, did not base objections to French interference in Mexico on the ground of the Monroe Doctrine, but on the ground that "the people of every State on the American continent have a right to secure for themselves a republican government if they choose, and interference by foreign States to prevent the enjoyment of such institutions deliberately established is wrongful, and in its effects antagonistical to the free and popular form of government in the United States." (Moore, *Internat. Law Digest*, Vol. 6, p. 502.)

<sup>125</sup>Seward's Works, Vol. 5, p. 426.

<sup>126</sup>Moore, *Internat. Law Digest*, Vol. 6, pp. 502-03.

<sup>127</sup>Dip. Cor., 1862, p. 726.

own, "based upon the general doctrine of the right of American peoples to form their own governments," and against French hostility to the United States shown by the attempts to establish a despotic foreign government upon her borders. The result was a complete vindication of the principles upon which the original Monroe Doctrine was founded, and without any special appeal to the magical words which had fallen into disrepute in a preceding period.

On October 31, 1868, in a speech at Auburn, New York, after the acquisition of Alaska, Seward said: "The Monroe Doctrine, which eight years ago was merely a theory, is now an irreversible fact."<sup>128</sup>

A year later, speaking in Mexico, he said:

What remains, and all that remains now necessary is the establishment of an entire tolerance between the North American states and the South American republics, and the creation of a mutual moral alliance, to the end that all external aggression may be prevented, and that internal peace, law and order and progress may be secured throughout the whole continent.<sup>129</sup>

The CHAIRMAN. The discussion will be continued from 1870 to the present day by Professor John H. Latané, Professor and Head of the Department of History, Johns Hopkins University.

#### STATEMENTS, INTERPRETATIONS AND APPLICATIONS OF THE MONROE DOCTRINE AND OF MORE OR LESS ALLIED DOCTRINES FROM 1870 TO THE PRESENT DAY.

ADDRESS OF JOHN H. LATANÉ,

*Professor and Head of the Department of History, Johns Hopkins  
University*

Mr. Chairman, Ladies and Gentlemen: I shall not undertake to read a paper at this late hour. I believe that by speaking informally I can bring out more briefly and more clearly the points that I desire to make.

My period really begins with 1869, the beginning of the Grant administration, and I am supposed to bring to your attention the applica-

<sup>128</sup>Seward's Works, Vol. 5, p. 557.

<sup>129</sup>*Ib.*, pp. 579-83.

tions of the Monroe Doctrine from that time down until the present day.

The policy of President Grant, or of his administration, was outlined in his annual messages of 1869 and 1870, as follows:

The United States have no disposition to interfere with the existing relations of Spain to her colonial possessions on this continent. They believe that in due time Spain and other European Powers will find their interest in terminating those relations and establishing their present dependencies as independent Powers—members of the family of nations. These dependencies are no longer regarded as subject to transfer from one European Power to another. When the present relation of colonies ceases, they are to become independent Powers, exercising the right of choice and of self-control in the determination of their future condition and relations with other Powers.<sup>1</sup>

The time is not probably far distant when, in the natural course of events, the European political connection with this continent will cease. Our policy should be shaped, in view of this probability, so as to ally the commercial interests of the Spanish American states more closely to our own, and thus give the United States all the preëminence and all the advantage which Mr. Monroe, Mr. Adams, and Mr. Clay contemplated when they proposed to join in the Congress of Panama.<sup>2</sup>

This policy is outlined more fully in the report on Latin American relations made by Secretary Hamilton Fish on July 14, 1870, and I wish to read a brief section from that report:

The United States stand solemnly committed, by repeated declarations and repeated acts, to this doctrine, and its application to the affairs of this continent. In his message to the two Houses of Congress at the commencement of the present session, the President, following the teachings of all our history, said that the existing "dependencies are no longer regarded as subject to transfer from one European Power to another. When the present relation of colonies ceases, they are to become independent Powers, exercising the right of choice and of self-control in the determination of their future condition and relations with other Powers."

This policy is not a policy of aggression; but it opposes the

<sup>1</sup>Messages and Papers of the Presidents, Vol. VII, p. 32.

<sup>2</sup>*Ibid.*, p. 99.

creation of European dominion on American soil, or its transfer to other European Powers, and it looks hopefully to the time when, by the voluntary departure of European governments from this continent and the adjacent islands, America shall be wholly American.

It does not contemplate forcible intervention in any legitimate contest; but it protests against permitting such a contest to result in the increase of European power or influence; and it ever impels this government, as in the late contest between the South American republics and Spain, to interpose its good offices to secure an honorable peace.<sup>a</sup>

You will observe that in this summing up of Latin American policy there are three points. Mr. Fish maintained, in the first place, that European dependencies were no longer subject to transfer from one European government to another. This policy, as you have already seen, had been laid down by Henry Clay two years after the original declaration of President Monroe. It will further be evident that this was not regarded as a self-denying declaration on the part of the United States, because the Grant administration was very anxious to annex Santo Domingo, with the consent of that island, of course.

In the second place, Mr. Fish laid down the doctrine that America would in time become wholly American by the voluntary withdrawal of European governments from this continent. That idea had been advanced by Charles Sumner in the discussion of the Alabama claims. It seems to us a most extreme position. He demanded that, as England owed us such an enormous amount for her recognition of the Confederates as belligerents and for the prolongation of the war, and as she could not possibly pay enough damages to compensate us, the least that she could do was to withdraw her flag from this hemisphere. He proposed that seriously as an ultimatum. It is interesting to see the statement both of President Grant and of Secretary Fish that they regarded the withdrawal of the European Powers as only a matter of time. They thought it was something that would take place by the voluntary action of European governments.

In the third place, Secretary Fish declared that the Monroe Doctrine was not a doctrine of aggression, of forcible intervention in any country, but the nation protested against permitting a contest between

<sup>a</sup>S. Ex. Doc. 112, 41st Cong., 2d Sess.; Moore, *Digest of International Law*, Vol. VI, p. 431.

an American state and a European state to result in the increase of European power or influence in America.

The Grant administration was occupied for a long time with the Cuban question; and in that connection Secretary Fish stood very firmly by his principle of non-intervention or non-interference in the affairs of Latin America, if it could be helped. You will remember that President Grant actually had drawn up a proclamation recognizing the Cuban insurgents as belligerents in 1869. He directed Secretary Fish to sign and to issue it. Secretary Fish did sign it, but he did not issue it. He pigeon-holed it. Grant left Washington after giving these instructions and does not seem to have noticed at that time that the proclamation was not issued, and did not take notice of it until a year later, when he thanked Secretary Fish for not having issued it.

On November 5, 1875, Secretary Fish took a step which came nearer an abandonment of the Monroe Doctrine than anything, probably, that has ever been done by the State Department. Of the circular note in regard to the Cuban situation that he addressed to our Minister to Spain, he had copies sent to all the principal European Powers to be read and discussed orally. In other words, he wanted Continental countenance for intervention in the Cuban situation. The attitude of all the European Powers was opposed to it. It is interesting to note the difference in 1875 and 1898. In 1898, all the Powers, except England, discountenanced our intervention in Cuba, and England alone gave us moral support at that time, and we intervened. Members of Congress got an intimation that Secretary Fish had sent such a note to the Powers of Europe. They regarded a policy of consulting European Powers on a purely American question, as opposed to the Monroe Doctrine, so the correspondence was called for. Secretary Fish's reply was wholly misleading, and it was a very curious statement. He replied that no correspondence had taken place with any European Power on this subject. Of course, the letters and telegrams and dispatches which are sent to our representatives abroad are spoken of as the correspondence between the nations. The Secretary of State rarely communicates directly with the Secretary of Foreign Affairs of any country. He either communicates with the diplomatic representative in Washington, who sends the note to his home government, or communicates with our diplomatic representative, who sends the note to the foreign government.



Strange to say, most people accepted Secretary Fish's reply. I was interested in the situation later in 1895, when I came across that statement, and it threw me off the track entirely. In 1896, during the close of President Cleveland's administration, some Democratic Senator happened to know that there was that correspondence in the State Department, and he called for it. It is a document of 154 pages. Secretary Fish dodged the charge of violating the Monroe Doctrine by saying, rather cleverly, that the Monroe Doctrine was not an American doctrine after all; that it really had been suggested and had originated with the British Minister.

Nothing more of importance relating to Latin America happened during the administration of President Grant.

We come down, now, to the Hayes administration. President Hayes, in 1880, adopted a new canal policy. He proclaimed the doctrine of an American canal under American control as opposed to an international canal, under international control, as outlined in the Clayton-Bulwer Treaty; and he said in his message to Congress that any canal that might be built connecting the two oceans would be virtually a part of the coast line of the United States. President Garfield reaffirmed the policy of President Hayes. Of course, this change of policy was due to the French enterprise that was going on at the Isthmus at that time. Secretary Blaine began a memorable correspondence with England, in 1881, in order to secure a modification of the Clayton-Bulwer Treaty. Mr. Frelinghuysen, his successor in office, continued that negotiation, and a very long and interesting correspondence ensued.

Mr. Blaine and Mr. Frelinghuysen both talked in a general way about the Monroe Doctrine, Mr. Blaine in rather general terms, while Mr. Frelinghuysen appealed to the Monroe Doctrine by name. They claimed that the Clayton-Bulwer Treaty was contrary to the Monroe Doctrine. Of course, when this government had signed that treaty, it was rather late in the day to be raising that objection; but nevertheless they took that position. Mr. Blaine laid great emphasis upon the fact that conditions had changed greatly since 1850, when the Clayton-Bulwer Treaty was signed. He said that the United States had developed with such marvelous rapidity that we dominated affairs on this continent, and he said that we could not consent to the perpetuation of any treaty which impeached the right and the long established claim of the United States to priority on the American continent.

Lord Granville, the British Secretary, replied, simply calling attention to the fact that Canada had made remarkable progress during those thirty years, too, and, further, that the relations between the United States and Great Britain as affecting the proposed canal were clearly determined by the Clayton-Bulwer Treaty, and that England would simply stand by her rights under that treaty.

Mr. Frelinghuysen held that the treaty was voidable at the pleasure of the United States, because the situation had changed so completely, and he claimed that England had not in the early days observed that treaty. Mr. Frelinghuysen did not, however, venture to declare the treaty void, because the British government intimated that if the United States declared the treaty void the British government would assume the position which it held prior to the negotiation of the treaty.

The move of Mr. Fish to secure European approval of intervention in Cuba, and the failure of Blaine and Frelinghuysen to get England to modify the Clayton-Bulwer Treaty on the ground that it was in conflict with the Monroe Doctrine, were both rather severe blows to that principle of our foreign policy, and we hear very little talk in succeeding years about it. In fact, the Monroe Doctrine seemed to be on the wane, when it was suddenly revived in a most startling and sensational way by President Cleveland in his famous Venezuelan message of 1895.

Now, the interesting thing about President Cleveland's message and Secretary Olney's dispatch of July 20th, preceding, was that they appealed to the Monroe Doctrine as a principle of international law, and also the statement of Mr. Olney that three thousand miles of intervening ocean rendered any permanent connection between a European Power and an American Power inexpedient. A great many critics of the Cleveland-Olney policy maintained that it was the first time the Monroe Doctrine was ever brought up in that way, and some of them even went so far as to say that it was the first time that the Monroe Doctrine was ever mentioned by name in a public dispatch. This is absurd. You will find that Buchanan and Fish and Frelinghuysen and Bayard all referred to the Monroe Doctrine by name in dispatches to foreign governments, or to our representatives abroad in notes which were to be presented to those governments. It should be borne in mind, also, that Mr. Cleveland and Mr. Olney did not claim that the Monroe Doctrine was a principle of international law by virtue of its assertion by President Monroe and succeeding

presidents, but they thought it was merely an American statement of a well recognized principle of international law, namely, the right of a state to intervene in a dispute between two other states when it considers its interests affected.

While there was a great deal of criticism of the position of President Cleveland and Mr. Olney at the time, it is rather interesting to note the attitude of most authorities on international law and diplomacy on this matter. You will find that Mr. John Bassett Moore, in his *American Diplomacy*, says that President Cleveland's position was quite in harmony with the spirit of the Monroe Doctrine. Mr. John W. Foster in his *Century of American Diplomacy*, says that the fact is that Mr. Olney's dispatch is not open to the charge of undiplomatic language, and, although subject to some qualification, it constitutes the most complete and satisfactory statement of the Monroe Doctrine ever made. Mr. Lodge, in his recent book, *One Hundred Years of Peace*, says that President Cleveland, however much Wall Street might cry out, had the country with him, "and no one today, I think, can question the soundness of his position." And so on, with a great many other authorities on this question. I consider the language of Mr. Olney's dispatch open to criticism in a great many respects, but I have always supposed that it made a perfectly valid application of the Monroe Doctrine; because, as Mr. Cleveland said, the extension of British dominion on this continent, whether it came about by conquest or the extension of a disputed boundary, amounted to the same thing: it was a violation of the Monroe Doctrine.

The Spanish-American War was the turning point in our diplomacy, in a great many ways. When we took the Philippine Islands and later on intervened in China, a great many people maintained that the Monroe Doctrine was being violated and that we could not consistently adhere to it. I just wish to call your attention to the fact that the Monroe Doctrine never had any application to affairs in Asia. It was intended to define the relationship between the United States and Europe in regard to Latin America; and so long as we refrain from interfering in the internal affairs of any European state, we can with perfect logic and consistency continue to demand that Europe shall not interfere in the internal affairs of states on this continent.

Let us turn briefly to some of the recent applications of the Monroe Doctrine. The signing of the Hay-Pauncefote Treaty was a turning point in the history of the West Indies. Indeed, it marked the formal

transference of naval supremacy in that quarter from England to the United States. Our advance in the West Indies has been very rapid since that time. The original Monroe Doctrine was nothing more nor less than a statement of a general protectorate which we proposed to exercise over the independent states on this continent. Now we have established a formal protectorate over Cuba, defined by the Platt Amendment. We have established a formal protectorate over Panama, defined by treaty; and last July Mr. Bryan proposed a formal protectorate over Nicaragua embodying the exact terms of the Platt Amendment which defines our relations with Cuba. That treaty has not been ratified by the Senate, but it is understood that the administration is going to take it up again, and we may expect to see in the next few years a formal protectorate established by treaty.

Mr. Roosevelt added a most important corollary to the Monroe Doctrine in the case of Santo Domingo. He held that whenever it was necessary to throw a South American state into the hands of receivers, it was necessary for the United States to act as receiver; and notwithstanding the objection of the Senate he finally carried out that policy. In 1911 Mr. Knox drew up two treaties with Nicaragua and Honduras, almost exactly like the Santo Domingo arrangement. Two receivers of finance were to be appointed, one for Nicaragua and one for Honduras. They were to report to the State Department and file their accounts there. Those treaties were not ratified.

President Wilson has carried this financial matter a step farther in expressing opposition to foreign concessions in Latin America. Some of you will remember that in a speech last year he made the statement that we hear of European concessions or of concessions to European parties in Latin America, but we do not hear of European concessions in the United States. We invite European capital to invest here, but we undertake the work and carry it on and we pay them interest on their money. He said the time had come when the Latin American states should stop granting these extensive concessions. That speech probably had reference to the very extensive oil concession in Colombia, which had just been secured by Lord Cowdray, carrying with it the right to improve harbors and rivers and lines of transportation, and which would have meant the investment of millions of capital in Colombia. After Mr. Wilson expressed his opposition, it was suddenly announced by Lord Cowdray that he had withdrawn his contract. Some think that this is going

pretty far and that it is not an application of the Monroe Doctrine at all; but the logic is simple enough,—it is the same as the logic of the “house that Jack built.” Mr. Roosevelt said that the seizure of a custom house by a foreign Power, which would lead to a more or less permanent occupation of territory, would be a violation of the Monroe Doctrine. In effect, he said that the creation of a debt which the ordinary revenues of the land could not meet, and which would lead to a seizure of the custom house, which would lead to the more or less permanent occupation by a foreign Power, would be a violation of the Monroe Doctrine. The President has gone a step farther and said that the granting of a concession which would probably hand a Latin American country over to the financial exploitation of a foreign Power would be a violation of the Monroe Doctrine, and, therefore, he has expressed opposition to the granting of such a concession.

While the Senate did not ratify the Nicaragua treaty proposed by Mr. Bryan, and did not ratify the Knox treaties in regard to Nicaragua and Honduras, I believe that all that region is going to be brought more closely under the control of the United States.

Just one word in closing. I hold that the Monroe Doctrine is like any other principle of law. A principle of law develops by judicial interpretation and application. A principle of public policy develops in the same way. It is utterly fruitless to go back and try to ascertain what was in the mind of John Quincy Adams and President Monroe when the original doctrine was promulgated. If you are simply going to limit it to that, the exact international situation that arose in 1823 can never rise again, and consequently we can never apply the Monroe Doctrine again.

Some want to make the doctrine hazy and shadowy and vague; some want to discredit it and some want to give it up. But I do not believe that the American people are going to give up the term or the name “Monroe Doctrine,” although it is vague and indistinct in many respects, any more than that the State Department is going to repudiate the policy.

The CHAIRMAN. There seems to be some evidence of difference of opinion in regard to the Monroe Doctrine in these days. Therefore, I presume that the period of time for the discussion may be occupied. I will ask all those who take part in the discussion to give their names.

Mr. PHILIP BROWN. Mr. Chairman, as I was listening this afternoon, I was reminded of a banquet that I once attended in a Central American country, when one of the speakers, in an enthusiastic way, proposed a toast to the Monroe Doctrine, and he said, "May it be as liberally interpreted today as it was in the time of Washington."

I am sure that this historical retrospect that we have been having is of a great deal of value in clearing up such hazy ideas as some of us might possibly entertain, as were entertained by the gentleman I have spoken of in Central America; but as I listened to these papers, my mind reverted to the fact that this is a society of international law, not a historical association, and that unless we can correlate the historical discussions of international law it would seem as though it were out of place for us to discuss the Monroe Doctrine.

But if we consider it purely as a question of statecraft, there are a great many questions in regard to statecraft that we might more profitably discuss in this annual meeting of the society. It has seemed to me that speakers, both this afternoon and last night, particularly Senator Root's remarkable address, have brought out an extremely interesting fact, and that is that we are coming around more or less to the position that the Monroe Doctrine is not a question of American policy and statecraft, that it is related definitely to international law, and, with all due respect to the distinguished international publicist who is acting as chairman, I would say that it seems to me that most of the publicists on this subject have been a little bit too cautious in denying that the Monroe Doctrine has any relation to international law and is to be deemed a question of policy. If we regard it, as Senator Root plainly indicated last night, as a defense of the principle of the sovereign independence of nations, it seems to me that we have put the Monroe Doctrine squarely into international law.

From sad experience in trying to convince some of the countries of Latin America as to what, precisely, we did mean when we were patting them on the back and asking them to hand over their business to us and stating that we would look after them, that we meant only friendship for them but that they could not run their governments in their own way or concede to foreigners such concessions as they might think of value nationally, I understand clearly, I think, the reason why the countries of Latin America have been unable to understand our position. It has been placed on the basis of an American program, an American policy, and it seems to me that the countries of Latin



America have a right to demand of us that we should place that doctrine on a basis that all can accept. From the Rio Grande down to the states of Central and South America, all the countries can accept this basic principle,—that all stand together as sovereign nations. Then the question becomes one of how all these states shall meet their obligations; and that, gentlemen, seems to be peculiarly a question within the province of this Society, namely, that we have no right to deny to European nations the right to make representations unless we provide a law on which they can proceed. I am sure that all realize that international law is very weak in that respect; and I would suggest as a topic for the serious consideration of this Society at its annual meeting a discussion of the rights of international creditors. That alone is a fruitful cause of diplomatic friction and even, at times, of eruptive relations.

The CHAIRMAN. There are quite a number of others here who are familiar with this subject. There is a Member of Congress in the back part of the room. Perhaps he would care to speak on the matter.

Mr. JAMES L. SLAYDEN. I regret to say, Mr. Chairman, that I have not had the opportunity of hearing these discussions, and I am not prepared to shed any light on the Monroe Doctrine. I only heard one or two statements made by my distinguished friend, whom I esteem so highly, but from whom I differ, and I would not like to go into a discussion.

My mind has been much more possessed with discussions of more acute questions, for the last few days. I will just make this one observation, that while our invasion of Asia has no necessary relation to the Monroe Doctrine, it does suggest to the minds of some people, to fair thinking men, that we can not very well claim for ourselves a privilege, and to ourselves only, on a great continent, and then invade another great continent and claim to share with other people of the world the control, ultimately, of that continent also; and I quite agree with the observations of the gentleman who has just taken his seat, that if we are to deny to the creditors of Europe the right to take reasonable steps to protect themselves, by denying them the privilege of active, personal and forceful interference, we ought to provide some way in international law for their security.

Mr. WHELESS. Apropos of the discussion that has just been had, there is no particular theory in the Monroe Doctrine in respect to the right of foreign Powers to enforce the collection of just claims by way of reparation for wrongs that have been done. That has been declared frequently by the several Secretaries of State. It has been declared in very forceful and in characteristically unique language by Mr. Roosevelt. We might insist that it is only limited, from the American standpoint, by the fact that such enforcement of rights must not go to the extent of a permanent occupation of territory, because that would be contrary to the basic idea of the Monroe Doctrine. The foreign nation has a right to seek reparation for its wrongs, to enforce the collection of debts by forcible measures, by arms, seizure of customs houses, or anything of that sort; that right existing upon the part of foreign nations to enforce the collection of their debts against American delinquent states is limited only by the fact that they must not, under the Monroe Doctrine, make a permanent acquisition of territory. We have had several recent instances of threatened reparations by forcible occupation that have been thwarted by the benevolent interposition of the United States, and, I think, rightly. The several Powers of Europe in their joint expedition against Venezuela, in 1903, was one instance. We have had the more recent and well known incident of the threatened joint operation of several European Powers against Santo Domingo, and the very just, and, I think, highly creditable action of President Roosevelt, even, probably, against the will of the Senate, in bringing about an amicable agreement by which the United States could do by pleasant and amicable and peaceful methods what those Powers were proposing to do by force; that is, administer the customs and the finances of Santo Domingo so that the just claims of these creditors might be satisfied without resorting to the wasteful and destructive methods of war.

Another instance still more modern is the proposed intervention in that respect in the case of Nicaragua, a country whose finances are in bad condition, with foreign creditors pressing and the possibility of military operations, which would put that country into an even worse condition than it is at the present time and waste its resources. Our policy in that respect has been criticized, but I think that such a policy should be appreciated and should be even welcomed when these republics in the south are threatened by their creditors with hostile military operations for the purpose of forcing collection of debts. Why

is it not, then, much better, much more creditable to all parties concerned, and greatly to the advantage of them all, that the United States should, in a sense of intervention, settle it by saying, "You do not know how to settle your affairs. We will do it for you?"

Why is it not to be desired and welcomed that the United States should offer its good offices to these foreign creditors and ask to be permitted, with the consent of the government of the Latin American state that is interested, to appoint a capable and competent man, approved by those governments, to go in there and administer the revenues and conserve the resources that are being wasted, in some instances, and which would be still further wasted by the ravages of war, and pay off these debts? It is a sort of an international receivership. A creditor has a right to attach property and sell it at public sale; and an international creditor has a right to work out his just credit.

Therefore, I think the policy of the United States, which is becoming more and more general, should be a well recognized and approved policy of offering its immediate offices to go into these countries to prevent forcible seizure and war between European nations and Latin American republics and, by amicable and peaceful methods, adjust their financial difficulties to the credit and the benefit and the honor of all concerned.

Mr. SCOTT. Mr. Chairman, I do not arise to participate in this discussion, but merely to refer to a statement made by Mr. Latané, who said that Secretaries of State do not, as a matter of fact, deal directly with their colleagues in the different countries. Such a communication is rare; it is the exception; but it does now and then take place. When I had the honor to be connected with the Department of State, the ordinary channels of communication had been used in the case of a dispute between this government and Nicaragua without satisfactory results. Whereupon Mr. Root communicated directly with the Nicaraguan Minister of Foreign Affairs. I merely call that to your attention in order to show that although it is not the regular rule, it is within the discretion of the Secretary of State and that that discretion has now and then been exercised and acts as a precedent for future action.

Mr. LATANÉ. Was that written to him direct?

Mr. SCOTT. The Secretary of State in Washington sent his communication directly to the Minister of Foreign Affairs in Nicaragua.

Mr. HOYNES. Mr. Chairman, it appears to me that on account of the fact that it is rather late it would be somewhat imprudent for us to go into the discussion of this subject at the present time. The matter will still be dealt with, I believe, tomorrow, and perhaps then, after we have heard the other speakers who are going into the matter, it will enable us to know better what the Monroe Doctrine is from the point of view of the speakers and the diplomats at the present time. I suggest that we adjourn, and I make a motion to that effect.

The CHAIRMAN. That motion would be entirely in order, as there is only one minute left between now and the period when it is necessary to adjourn.

Mr. WILLIAM I. HULL. Is there any reason, Mr. Chairman, why the Committee on Arrangements prefer that we should meet tomorrow at ten o'clock rather than at ten thirty? There is a committee which has hard and important work to perform, which will meet at nine o'clock, and if you can give us an additional half hour tomorrow morning I think it will be of much service.

The CHAIRMAN. Professor Hull makes the request that the session tomorrow morning begin at ten thirty instead of at ten, in order to allow more time for a committee that must meet at nine o'clock for the consideration of certain important questions. Do you make that as a motion?

Mr. HULL. I make that motion, Mr. Chairman.

The question on the motion of meeting tomorrow at 10:30, instead of at 10 o'clock, being duly seconded, was put and carried.

The motion to adjourn, being duly seconded, was then put and carried.

Whereupon, at 5 o'clock p.m., an adjournment was taken until 8 o'clock p.m.

### THIRD SESSION

Thursday, April 23, 1914, at 8 o'clock p.m.

The Society reassembled at 8:20 o'clock p.m., Rear Admiral CHARLES H. STOCKTON, a member of the Executive Council, presiding.

The CHAIRMAN. I am requested to open the proceedings of the evening, which will be, as you will see by the program, addresses on "Misconceptions and Limitations of the Monroe Doctrine." We are to have the pleasure of hearing first on this subject Hon. John W. Foster, ex-Secretary of State.

#### MISCONCEPTIONS AND LIMITATIONS OF THE MONROE DOCTRINE

ADDRESS OF HONORABLE JOHN W. FOSTER,  
*Formerly Secretary of State*

Mr. President, Ladies and Gentlemen: The paper which I am about to read was written several days ago, before the occurrence of the events of the last few days in Mexico. I refer to Mexico several times in my paper, but I do not think it will require any amendment of what I have written.

The disorder which has been prevailing in Mexico for some time past and the consequent embarrassment to the Government and people of the United States have given occasion to much misconception as to the functions of the Monroe Doctrine. The fact is that this doctrine has no application to the present conditions in that unfortunate country. Its primary object was and is to prevent the permanent occupation by European nations of any of the territory of the American states or the overthrow of their political institutions. Neither of these matters is involved in the recent or present situation in Mexico.

It is often asserted in the press and by our public men that because, as a result of that doctrine, we do not allow those nations to send a military force into Mexico to protect their subjects and compel a recognition of their just demands, our government must undertake that task for them. But our government has never given such an

interpretation to that doctrine. Succeeding administrations have repeatedly stated that European governments are free to make war upon the American states, or to resort to force to support their complaints, provided they observe the two conditions above stated as to territory and political institutions. Several notable instances may be cited.

In 1864 Spain declared war against Peru and Chile. After receiving assurances from Spain that it had no intention to reannex those republics or to subvert their political system, Secretary Seward, referring to the American states, instructed our ministers that "we concede to every nation the right to make peace or war, for such causes other than political or ambitious as it thinks right and wise."<sup>1</sup> In 1860 Secretary Cass informed the French representative in Washington "that the United States did not call in question the right of France to compel the Government of Mexico, by force if necessary, to do it justice."<sup>2</sup> In 1861 the Governments of Great Britain, France and Spain approached the United States with a view to securing its joint action with them in a military expedition to compel Mexico to satisfy their complaints for the murder of their subjects and destruction of their property. The United States declined to unite with them, but Secretary Seward said that the President "did not question that the sovereigns represented have undoubted right to decide for themselves the fact whether they have sustained grievances, and to resort to war against Mexico for redress, and have a right also to levy war severally or jointly."<sup>3</sup> A similar attitude was assumed by the United States when in 1902 the British, German, and Italian Governments sent a naval expedition to Venezuela to enforce the claims of their subjects.<sup>4</sup>

Many other instances may be cited for the forcible interference of European governments with American countries to redress the complaints of their subjects. France in 1838 blockaded the ports of Mexico as an act of redress for unsatisfied demands. In 1842 and in 1844 Great Britain blockaded the ports of Nicaragua, in 1851 the whole coast of Salvador, in 1862-3 seized Brazilian vessels in Brazilian waters as acts of reprisal, and in 1895 resorted to force to bring about a

<sup>1</sup>Diplomatic Correspondence of the United States, 1866, part 2, p. 413.

<sup>2</sup>Manuscript instructions, France, No. 27, Aug. 31, 1860, XV 481, Moore's International Law Digest, p. 480.

<sup>3</sup>House Executive Doc. 100, 37th Cong., 2d Sess., 185-187; 52 British & Foreign State Papers, 394.

<sup>4</sup>Dip. Cor. U. S., 1901, p. 195.



settlement of certain demands against Nicaragua.<sup>5</sup> In 1897 a German naval force entered Port-au-Prince and under threat to shell the public buildings forced the Haytian Government to yield immediately to certain demands which the latter claimed were unjust and exorbitant.<sup>6</sup> The bombardment of Valparaiso by the Spaniards, the tripartite military expedition of the British, French, and Spanish in Mexico, and the blockade of Venezuelan ports by the British, Germans and Italians have already been mentioned.

The other misconception as to the functions of the Monroe Doctrine, based upon the false conception that we do not permit force to be used by European governments, is that we must undertake the enforcement of their just claims against Mexico or other disorderly American republics. From the language of that doctrine as announced by President Monroe we can draw no such mandate, and the history of our relations with the American states shows that such a procedure on our part would be unwise, if not impracticable. The position of our government on this phase of the subject has been repeatedly declared. Secretary Sherman, in an instruction to our minister in Hayti respecting the troubles between that country and Germany, wrote:

This government is not under any obligation to become involved in the constantly recurring quarrels of the republics of this hemisphere with other states. The Monroe Doctrine, to which you refer, is wholly inapplicable to the case.<sup>7</sup>

It is likewise a misconception of the doctrine to assert that it is our duty to interfere by force with the administration of the affairs of other American republics, when they fall into anarchy through their oft-recurring revolutions. It has been the uniform policy of our government to observe strict neutrality between the warring factions, and limit the action of our diplomatic, naval, and military representatives to the protection of the lives and property of American citizens. Instances have occurred where it has been charged that their action has resulted in favoring one of the contending parties as against the other. A case of this kind is cited in the action of our naval vessels in 1894 in the harbor of Rio de Janeiro, in so interfering with the rebel ships

<sup>5</sup>6 Moore's Int. Digest, p. 596.

<sup>6</sup>Mss. Inst. Hayti, IV, 23, 6 Moore's Int. Dig., 474.

<sup>7</sup>*Ib.*, 475.

as to favor the republican government of Brazil. Admiral Benham reported that his action was taken solely to protect American shipping and commerce.<sup>8</sup> A more recent case was the landing in Nicaragua of a considerable military force in 1912 during a revolution, and its maintenance ashore for a considerable period after the revolution was suppressed, its object being stated to be for the protection of American residents and their interests. In these or other cases, if our representatives have displayed force in such a way as to favor either faction, it must be regarded as contrary to the policy of our government of a strict neutrality. So far as the conditions in Mexico are concerned, our proximity and the predominance of our industrial and commercial relations furnish occasion for greater interest and supervision on our part than that of any other nation; but the Monroe Doctrine has no place in influencing our action respecting that country.

An appeal is often made to the Monroe Doctrine as a reason for the maintenance of a large and overpowering navy by our country. Mr. Roosevelt when President strongly and repeatedly argued in favor of a rapid increase in our navy as a necessity for maintaining this doctrine. Mr. Taft has more than once declared that the Monroe Doctrine was no stronger than our navy. I venture, against these high authorities, the assertion that neither our history nor the conduct of European governments justify these declarations. If the Monroe Doctrine did not contain a high moral principle of ethics and government which commanded the respect of all civilized nations, we could not build a navy fast enough nor create an army large enough to enforce it against the hostile sentiment of the great Powers of Europe. In 1823, when President Monroe proclaimed in his annual message to Congress the new policy of his administration, our navy was insignificant and would have been impotent as against the armaments of the Holy Alliance. It was the moral tone and reasonableness of the policy that led that Alliance to advise Spain not to challenge it.

The only time in our history when a formidable attempt to disregard the Monroe Doctrine has been made was in the establishment of the so-called Maximilian empire in Mexico during our Civil War. At the close of that war we were in a position to enforce the doctrine, but close students of French politics and government assure us that the French people were so disgusted with Napoleon III for his chimerical scheme and with the unwisdom of disregarding our known policy,

<sup>8</sup>Dip. Cor. U. S., 1893, pp. 47-140.

that a further attempt to support Maximilian would have resulted in Napoleon's overthrow at home. The sense of justice and fair dealing of the French people condemned him, and a diplomatic note from Secretary Seward was all that was necessary to cause the withdrawal of the French troops from Mexico.

The most bold and pronounced assertion of the Monroe Doctrine was Secretary Olney's correspondence and President Cleveland's message on the British-Venezuela territorial question in 1895. The challenge to Great Britain was in the most peremptory terms, and the war fever was instantly awakened on both sides of the Atlantic. Although the navy of the United States was far inferior to that of Great Britain, it did not deter the President from issuing the challenge, nor was the Government of Great Britain controlled in its conduct by the superiority of its armament. It was not prepared to test the strength of its navy on an issue in which the right was so largely on the side of Venezuela, and the British people's rugged view of justice and fair play would not permit its government to enter upon a war in which the issue was so plainly against them. At no time in our history has the weakness of our navy entered as a factor in controlling the action of our government in the assertion of the Monroe Doctrine against the great Powers of the world, nor has this weakness influenced these Powers respecting the doctrine.

It is often asserted that the Monroe Doctrine has no status in international law and therefore cannot be appealed to in our relations with other Powers. It might be retorted that the policy of certain of the European Powers in parceling out and occupying Africa has no warrant in international law, but our government has not seen fit to call the policy in question. The great nations are straining their energies to the utmost to preserve the "Balance of Power" in Europe, but it is a policy which affects us only remotely and we abstain from participation in its control. In his notable message of 1823, President Monroe, in referring to the international affairs on that continent, said that in matters relating to European Powers themselves we have never taken any part, nor does it comport with our policy to do so. It does not call for incorporation into the accepted code of international law to have the policies of the European continent or the American hemisphere respected or enforced. The fact is, however, that the Monroe Doctrine has been repeatedly recognized and observed by all the great Powers of Europe. A few instances may be cited. In

1861 Great Britain, France and Spain, through their ministers in Washington, addressed a note to Secretary Seward transmitting a copy of a convention in which they agreed to the joint military expedition into Mexico already mentioned, to secure a redress of their grievances, and in which they bound themselves not to seek any acquisition of territory, or to impair the right of the Mexican nation freely to constitute the form of their own government.<sup>9</sup> This was an explicit recognition of the Monroe Doctrine.

In 1901 the Governments of Germany, Great Britain and Italy took steps towards the enforcement of the claims of their subjects against Venezuela. However, before putting their movement into operation, they advised our government of their intentions. The German Ambassador, in a promemoria handed to the Secretary of State, used this language:

We consider it of importance to let first of all the Government of the United States know about our purpose so that we can prove that we have nothing else in view than to help those of our citizens who have suffered damages. \* \* \* We declare especially that under no circumstances do we consider in our proceedings the acquisition or the permanent occupation of Venezuelan territory.

In his annual message the President, referring to the proposed combined naval operation, said: "The Monroe Doctrine is a declaration that there must be no territorial aggrandizement by any non-American Power" He then referred to the "voluntary and friendly declaration of the German Ambassador which was received in the frank and cordial spirit in which it was offered." Similar assurances were given by the British and Italian Ambassadors.<sup>10</sup>

In 1866 it became known that the Austrian Government had concluded a military convention authorizing the levy of troops in Austria to go to Mexico to the support of Maximilian. A protest was directed by Secretary Seward to be made against the expedition, and although a considerable number of troops had been enlisted, when the protest was received, the Austrian Minister of Foreign Affairs informed our minister that the troops would not be permitted to depart, and they were disbanded.<sup>11</sup>

<sup>9</sup>H. Ex. Doc. 100, 37th Cong., 2d Sess., 185-187, 6 Moore's Int. Dig., 485.

<sup>10</sup>Dip. Cor. U. S., 1901, p. 194.

<sup>11</sup>6 Moore's Int. Dig., 505.

The foregoing embrace the specific action of six of the great Powers of Europe—Great Britain, Germany, France, Austria, Italy and Spain,—recognizing the Monroe Doctrine as a policy of the United States to be observed in their relations with this hemisphere. Its incorporation into the code of international law could not make it more effective so far as they are concerned.

Another kindred assertion respecting the Monroe Doctrine is that it has no legal force in the United States because it has never been regularly enacted into a law by the Congress of the United States. It is true that Congress has taken no such action, but both Houses have by separate resolutions declared their emphatic adhesion to the policy, and the succeeding Presidents since Monroe in their messages to Congress have reasserted the declaration issued by him in 1823. It has not been heretofore thought prudent to enact the policy into a formal statement by Congress, because, as expressed in a resolution adopted by the House in 1826, "the people of the United States should be left free to act, in any crisis in such a manner as their feelings of friendship towards these republics, and as their own honor and policy may at the time dictate."<sup>12</sup> But our government in 1899 took the most positive and solemn action respecting the Monroe Doctrine. In the full session of the Hague Peace Conference, in signifying their adhesion to the Peace Convention, the delegates from the United States made this public declaration: That nothing contained in the said convention shall be construed to imply a relinquishment by the United States of America of its traditional attitude towards purely American questions.<sup>13</sup> This declaration was received without a single dissent from any delegate. It was incorporated into the convention as a part of the treaty, as such was ratified by the Senate of the United States, and is now a part of the public law of the nation. A more formal and solemn assertion by the law-making power could hardly be made.

We have heard of late some suggestion that the doctrine should be abandoned for various reasons. It is alleged that it is unpopular in the larger states of South America and that we are looked upon with suspicion by Latin America. It is true that the growth of something like imperial power and prosperity of Brazil, Argentina, and Chile largely removes the possible occasion for the assertion of the doctrine

<sup>12</sup>6 Moore's Int. Dig., 420.

<sup>13</sup>Report of the United States Commission, July 31, 1899, Holls, Peace Conference at The Hague, 477, 531; Compilation of Treaties in Force, 1904, p. 921.

in that part of the hemisphere; and also that manifestations of unfriendliness or dictatorial action on the part of some of our officials have occasioned resentment in Latin America; but there exists no valid reason for the abandonment of the doctrine on our part. Since the construction of the Panama Canal its maintenance has been increased in importance, and it was never more essential to our safety than today. A few years ago Professor Munsterberg, of Harvard University, issued a fulmination against its wisdom and good policy which attracted passing notice<sup>14</sup>; and of late there has been a recrudescence of academic learning upon the subject. Rarely does a man of public affairs utter such views. As against the professors, I would give the utterances of two of the greatest statesmen and patriots our country has produced, and their words are as appropriate today as when uttered. Daniel Webster in the the Senate said: "I look on the message of December, 1823, as forming a bright page in our history. I will neither help to erase it nor tear it out; nor shall it be by any act of mine blurred or blotted." I quote the words of Grover Cleveland in his Venezuelan message of 1895: "It was intended to apply to every stage of our national existence."

The CHAIRMAN. The next speaker is Dr. Leo S. Rowe, Professor of Political Science in the University of Pennsylvania.

## MISCONCEPTIONS AND LIMITATIONS OF THE MONROE DOCTRINE

ADDRESS OF LEO S. ROWE,

*Professor of Political Science, University of Pennsylvania*

The time at my disposal makes it impossible to enter into an examination of the historical circumstances that led to the formulation of the Monroe Doctrine or to discuss the conditions that accompanied its development. Furthermore, in view of the wealth of material that has been presented at the sessions of yesterday and today, such a discussion would probably be superfluous.

With reference to the present scope and limits of the Monroe Doctrine, we are confronted with an extraordinary situation. Throughout the countries of Central and South America there is a deeply

<sup>14</sup>6 Moore's Int. Dig., 528.



rooted belief that the United States is using the Monroe Doctrine as a cloak behind which there lurk designs against their sovereignty and territorial integrity.

In the countries of continental Europe, which a few years ago seemed to be moving toward a tacit acquiescence, if not a willing acceptance of the Monroe Doctrine, there is noticeable a rekindling of the opposition which marked their earlier attitude—a feeling of sullen resentment against what is regarded as the presumptuousness of the United States in declaring a kind of protectorate over the republics of the American continent.

Finally, as a further complicating factor, adding in no small measure to the difficulties of the situation, we find a movement, led by men whose judgment is entitled to most serious consideration, favoring either the complete abandonment of the doctrine, or its transformation into a Pan-American Doctrine. We are told:

First. That the conditions which justified the formulation of the Monroe Doctrine in 1823 have so changed that those principles are no longer applicable to modern conditions. The advance of constitutional government, it is contended, has brought the political institutions of Europe into closer relations with those of America, so that today individual liberty and personal rights are more completely guaranteed in most of the countries of Europe than in many parts of the American continent. The contrast between European and American institutions can no longer be made the basis of the foreign policy of the United States, and the Monroe Doctrine, as a means of protecting free institutions on the American continent, has, therefore, lost its reason for existence.

Second. That the interpretations of the doctrine subsequent to its formulation in 1823, have gone far beyond the original intent, and that under the guise of a political catchword we are gradually approaching the assertion of the paramountcy and the hegemony of the United States on the American continent.

Third. That these extensions of the doctrine have aroused the opposition of the countries for whose benefit it was originally formulated, and that many of the countries of Central and South America are at the present time opposed to it. In fact, the feeling against the doctrine is more pronounced in Central and South America than in the countries of continental Europe.

Finally, that the continued maintenance of the doctrine will gradually place us in a position of complete isolation. Although European governments have seemingly acquiesced, it must not be supposed that they regard it with a friendly eye. The continued assertion of the doctrine will, we are told, alienate the sympathies of all the countries of the American continent as well as the countries of continental Europe.

The serious nature of this indictment makes it a matter both of national and international importance to subject the issues involved to the closest possible scrutiny, with a view to ascertaining whether the Monroe Doctrine, in whole or in part, continues to subserve our national interests, or whether it has become a stumbling block to the development of closer relations between the United States and the republics of the American continent.

We have had pointed out to us time and again that the words "Monroe Doctrine" have cast a kind of spell over the American people, and that the emotional reaction to which these words give rise has precluded and still precludes a calm, dispassionate consideration of our international relations. The history of the successive appeals to the doctrine lends considerable support to this criticism. That the situation involves serious dangers is demonstrated by the fact that on several occasions an emotional appeal has been made to the people of the United States under the guise of the Monroe Doctrine, when as a matter of fact the principles of the doctrine were but remotely involved.

If we are ever to develop a positive, constructive American foreign policy, it is necessary that a definite content be given to the term "Monroe Doctrine." This does not mean that the entire foreign policy of the United States should be limited to the Monroe Doctrine; in fact, the purpose in view is exactly the contrary. The precise content of the Monroe Doctrine once determined, we are then prepared to reach some conclusion as to whether these principles should be upheld or abandoned. Such further principles of American foreign policy as the welfare of the country may demand should be formulated, not as parts of the Monroe Doctrine, but as distinct additional principles of a constructive American foreign policy.

It is hardly necessary in this presence to refer to the fact that the Monroe Doctrine at the time of its formulation contained but two principles:

First. A declaration against further European colonization on the American continent.

Second. A declaration against an attempt on the part of any European Power to control the form of government or the political destinies of the republics of the American continent.

The first principle, namely, the declaration against further colonization, is no longer applicable to conditions now existing on the American continent. This declaration was intended to prevent the acquisition of further territory by European nations through the process of "discovery and settlement." Now that all the territory on the American continent is under the dominion of independent nations, there is no longer any possibility of acquisition by discovery and settlement, except in the regions immediately adjoining the North and South Poles. In fact, all the dangers which the message of President Monroe was intended to guard against are fully met by the second principle, namely, the declaration against the attempt on the part of an European Power to control the form of government or the political destinies of any American state.

While the two principles which constituted the original doctrine were undoubtedly intended and did serve to protect the interests of the republics of Central and South America, the fundamental purpose of the declaration was one of national self-protection. There is no doubt that the enthusiasm of the people of the United States was aroused by the fact that the doctrine served to protect the republics of the American continent against European aggression, but the primary purpose of the framers of the doctrine was to assure the national safety and unhampered development of the United States. Deep sympathy with the republics of Central and South America undoubtedly accompanied this primary purpose. The Congress of the United States, led by men like Henry Clay, expressed its enthusiasm for the new-born republics in no uncertain terms. Nevertheless, in the minds of its framers, the Monroe Doctrine was primarily a principle of national self-protection. It is well to emphasize this point because of the fact that it gives to the doctrine a permanency and a vitality independent of the will and independent of the attitude of the countries for whose benefit it was originally formulated.

The Government of the United States, from the time of the founding of the Republic, was conscious of all the difficulties resulting from

the rivalry of European interests on the American continent, and the cardinal principle of our foreign policy was to free the country from the complications which would necessarily ensue from such rivalries. It is true that the conditions of today are totally different from those that confronted President Monroe in 1823. At that time he and his cabinet were formulating a principle, which, as has been well said by Admiral Mahan, was a declaration of independence, not merely of one country, namely, the United States, but of an entire continent. Nevertheless, we must not forget that the declaration was formulated primarily in the interests of the United States.

If we approach the situation from this viewpoint, it is not difficult to see that the doctrine of national self-protection is quite as vital today as it was in 1823. It is said that no European country desires any territory, or desires to extend its influence on the American continent. We must rid ourselves of the idea that the extension of influence or the extension of actual territorial dominion necessarily involves any elements of moral turpitude. On the contrary, such extensions represent a perfectly natural desire; a desire which gives evidence of national vigor and national growth. With a tremendous territory but sparsely settled it is inevitable that the Great Powers of Europe should regard Central and South America as a possible field for national expansion. The settled purpose of the American people, to keep the American continent free from the complications of European territorial rivalries, is just as definite and quite as necessary today as it was in 1823.

So far as the declaration against European control is concerned, there can not be the slightest objection to inviting the countries of Central and South America to coöperate with us in its maintenance. In this sense it is entirely possible as well as desirable to make the doctrine continental or Pan-American, provided we do not lose sight of the fact that in making it "Pan-American" we do not relinquish the right to maintain it, independent of the will of any of the other Powers of the American continent. The doctrine will be strengthened by reason of continental support, but we must not permit it to be weakened by continental indifference or opposition. In transforming the doctrine into a principle of continental significance we neither abandon it nor condemn it as an obsolete shibboleth.

Whether we give to the doctrine a continental status or not, it is a

matter of vital importance to our position amongst the nations, that new principles of our foreign policy should not masquerade as integral parts of the doctrine but should be formulated and maintained as positive principles supplementing its negative prohibitions.

What is the nature of these constructive, positive principles that should supplement the Monroe Doctrine? We will do well in this respect to profit by the example and experience of the great nations of western civilization, especially Great Britain, Germany and France, which, while adopting certain general principles, in many respects similar to our Monroe Doctrine, have carefully adapted the details of their foreign policy to the special needs and circumstances confronting them in their relations with different sections of the world. Germany does not content herself with the negative principles of a European balance of power. She has formulated a positive foreign policy in the Mediterranean, in Asia Minor, in China and in Africa. In precisely the same way we must develop constructive principles, not only in our relations with the Near and the Far East but with the different sections of the American continent.

As a first step toward this end, it is important to supplement the negative prohibition of the Monroe Doctrine with positive constructive principles that will govern us in defining our attitude toward each one of a group of continental problems. This involves the development of first, a Mexican policy; secondly, a Caribbean policy; thirdly, a Central-American policy; fourthly, a policy with reference to each of the countries of South America.

Our relations with Mexico, with Central America and with the islands of the Caribbean, present certain common characteristics which call for the application of exceptional principles in the adjustment of our relations with these sections of the American continent. The concept of national sovereignty has undergone many changes during the last century. It is true that our modern system of international law rests on this principle, and there is no doubt that it marked a healthful reaction against the claims of universal dominion of the Holy Roman Empire. Useful as it has been in developing a respect for the rights of weaker states, the solidarity of interests of certain groups of nations of western civilization has begun to make serious inroads upon the idea of national sovereignty and independence. The growth of the European Concert, the interests of certain temporary or permanent

groupings, such as the Triple Alliance and the Triple Entente, all represent forces that have profoundly influenced and modified the doctrine of national sovereignty in international affairs.

Slowly, in many cases unconsciously, and in all cases without full recognition of the consequences involved, changes of a like nature have been taking place in international relations on the American continent. It is true that our national thought has not kept pace with the actual changes in international conditions, due to the fact that the foreign policy of the United States has been of a negative rather than of a positive character. Fundamental physical and economic facts have begun to make their influence felt in the development of relations more positive and constructive than those implied in the Monroe Doctrine. As was recently pointed out by an eminent economist, the maintenance and improvement of the standard of living of the American workingman depend, in part, on an uninterrupted supply of tropical products from the West Indies and from Central America. The reduction of the price of meat, or at least, the avoidance of an increasing cost, will depend in large measure upon the development of the cattle ranges of northern Mexico. Our great manufacturing interests look to an increasing extent to the vast mining resources of our southern neighbors.

In short, national economic interests of a basic character, affecting the welfare, the standard of life and the industrial prosperity of our country, are inextricably bound up with the political stability and the economic progress of Mexico, Central America and the West Indies. When we add to these fundamental economic and social interests, considerations of a strategic nature, the vital relation of these sections of the American continent to the United States immediately becomes apparent. The acquisition of the Canal Zone has made of the United States a Central American as well as a North American Power, and our national policy must hereafter be profoundly influenced by this change in our geographical relations.

We are interested in the welfare of Mexico, of Central America and of the West Indies primarily because their stability and their progress intimately affect the well-being of our own people, and we are interested in their attitude toward us because that attitude has a distinct bearing on our national safety. This essential solidarity of interests carries with it as a logical and inevitable consequence a limitation on the freedom of action of all the parties concerned.



Approaching the question from the broadest possible point of view, we are forced to the conclusion that national sovereignty is limited and modified by the larger interests of continental progress. Looking at the situation exclusively from the point of view of the national self-protection of the United States, it is evident that, irrespective of any question of European interference, we can not remain indifferent to, and in the long run can not tolerate, the continued existence of disorder or instability in any part of Central America, in Mexico or in the West Indies. This, therefore, is the larger and basic problem which calls for the development of a positive American foreign policy.

In addition to these considerations of a general character, there are certain special circumstances that place us in an exceptional relationship to Mexico. The fact that Mexico is our neighbor, that over fifty thousand American citizens are resident in the republic, and that vast American interests amounting to over a billion dollars are at stake, place the country in a position totally different from that of any of the countries of South America. Everything that affects the peace, the welfare and the progress of Mexico is of interest to the United States. We can no more remain indifferent to the continued existence of disorder and anarchy in Mexico than we could have remained indifferent to those conditions when they existed in Cuba. The requirements of national self-protection, the fulfillment of our obligations to Americans resident in Mexico, the performance of our duty in protecting the vast interests which our citizens have at stake in that country, and, finally, our larger obligations to the interests of western civilization, make it incumbent upon us to do everything in our power to preserve the primary requisites for the continued existence and development of Mexican civilization.

In dealing with this Indian nation, we must recognize the basic facts of Mexican political life, namely, that she is living under a constitution which is out of harmony with the political needs and capacity of the people; a constitution which is, therefore, unworkable, and that her primary needs are of an economic and social rather than of a political nature. The development of a small land-holding class, the raising of the standard of life of her industrial, mining and agricultural workers and the protection of the entire laboring population against exploitation will do more toward preparing the way for the development of democratic rule in Mexico than any amount of outside dictation as to

the particular type of government under which the Mexican people shall live.

As regards the islands of the Caribbean, it is evident that their close proximity to our southern coast and their strategic importance as outposts of the route to the Panama Canal give to them an exceptional importance, and that our national safety and well-being demand that they should not become involved in conflicts with European countries, conflicts which might result in the loss of their independence.

It was not necessary to invoke the Monroe Doctrine to justify the position taken by the United States in 1905 with reference to Santo Domingo. The same fundamental considerations upon which the Monroe Doctrine itself rests, namely, those of national self-protection, explain and justify our San Domingan policy.

As regards Central America, the acquisition of the Canal Zone makes the United States a Central American Power. Anarchy or continued disorder in any of the countries of that section of the American Continent vitally affects our own national safety. In contributing within the measure of our power toward their prosperity and orderly development we are at the same time fostering the permanent interests of the United States. The considerations which apply to the countries of Central America apply with equal force, because of their geographical situation, to Colombia and Venezuela.

When we come to consider our relations with the countries of South America (excluding Colombia and Venezuela) a totally different situation presents itself. During recent years there has been much talk about the development of a "Latin American" policy. The abandonment of this idea represents the first step toward the adjustment of our foreign policy to the real rather than the imaginary conditions existing in South America. Our relation with each of the countries of the southern hemisphere involves a different and distinct group of problems. The adjustment of the relations between the Argentine Republic and the United States must be based not upon any general considerations relating to South America as a whole, but upon the special conditions prevailing in the Argentine Republic, and similarly with the other countries.

In South America we find developing a series of international problems of the most difficult and delicate nature; problems which may in time endanger the peace of that section of the American continent.

While our interest in the maintenance of peace in and between the republics of South America is different, both in kind and in degree, from our interest in the maintenance of order in Mexico and in some of the countries of Central America, we are none the less called upon to contribute within the measure of our influence toward the maintenance of the "*Pax Americana*" in the larger sense, because its disturbance involves a menace to the independence of these countries. The cardinal principle of our foreign policy with the countries of South America must be to contribute within the measure of our power toward the settlement of pending questions without conflict. In the execution of this purpose, there is the possibility of developing an American Concert similar in some respects, but far more effective, than the action of the European Concert.

It is, furthermore, important to bear in mind that in South America there are a number of small states whose permanent relations to their neighbors have not as yet been definitely established. The rivalry for influence over such states as Paraguay, Bolivia and Uruguay is a constant menace to the peace of the southern hemisphere. The fact that the United States can view this situation impartially, will enable our government to exercise an important if not a determining influence in the maintenance of peace, in the preservation of existing territorial relations, and in bringing about the peaceful settlement of present and future disputes. Through such a concert of Powers, which should include the Argentine Republic, Chile, Brazil, Peru and the United States, the relations between the republics will be treated as a matter of continental interest and importance. With this adjustment, the Monroe Doctrine has little or nothing to do. We have an interest in the settlement of the controversy regarding the jurisdiction over the River Plate in that it should not become the cause of a continental conflagration; we have an interest that the position of Paraguay should not lead to armed conflict amongst those of her neighbors who are now engaged in a more or less friendly rivalry for the extension of control over Paraguayan policy.

In the accomplishment of these purposes, which at the same time serve the interests of world peace, our interests run parallel with those of the great countries of South America, and we should, therefore, move not only in harmony but in active and helpful coöperation with them. The development of such a policy, as well as its ultimate suc-

cess, depends on the possibility of allaying the fears of the republics of South America with reference to the motives and ultimate purposes of the United States. Mere personal assurances will have but little effect. The only way in which we can hope to allay those feelings is through closer personal ties, closer intellectual and cultural relations with the peoples of these countries. As their acquaintance with the people of the United States grows in breadth and depth, and as we learn to respect the dignity and value of the civilization represented by the leading countries of South America, there will develop a feeling of mutual confidence which will make it easier for the official relations of the governments to be determined by that spirit of cooperation without which a truly continental policy is impossible. Until that better understanding and better appreciation of motives, intents and purposes can be established, it will be exceedingly difficult to allay the distrust which now exists.

We have seen that the Monroe Doctrine at the time of its formulation was not a new principle in American foreign policy; it was simply the application to two concrete international problems of those fundamental principles of national self-protection which are of universal application, and which have found expression in the European doctrine of the balance of power, and in the action of the European Concert. This principle of national self-protection, which forbids further European colonization on the American continent, and which prohibits European countries from making any attempt either to overthrow or control the destinies of American states, is quite as vital today as it was ninety years ago. The real danger of the present situation is due to the vague and indefinite thinking that has characterized the attitude of the American people toward the Monroe Doctrine.

One of the most profound students of American political institutions<sup>1</sup> has referred to the Monroe Doctrine as one of the fetiches of the American people, and one of the keenest of foreign observers<sup>2</sup> has said of it that it casts a spell over the national thought of the people of the United States, a spell which allows emotion rather than sober reason to dominate the public mind.

In a democracy such as ours, there is real danger in such a situation,

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<sup>1</sup>Professor Burgess.

<sup>2</sup>A. M. Low.

a danger which arises from the fact that such an emotional attitude always affords the opportunity to unscrupulous or incompetent political leaders to exploit these emotions for purposes that are not consonant with the permanent interests of the country. There have been a number of attempts in the course of our national history to use the Monroe Doctrine as a shield for ulterior ends intended to promote sectional rather than national interests. When the British-North American Act, which united the Dominion of Canada, was under consideration, the attempt was made to arouse American opposition to the measure on the ground that it was out of harmony with the Monroe Doctrine. It would be difficult to imagine a more unwarranted abuse of the real principle of the doctrine.

The question which presents itself to the American people, therefore, is not whether the Monroe Doctrine should be abandoned, but rather whether it is safe for a great world Power like the United States to use a political catchword as an all-inclusive principle of foreign policy rather than meet each new international situation as it arises with principles which appeal to the sober judgment of the American people. An emotional response to a political catchword can never become the basis of a sound foreign policy. President Wilson has well said that the questions of the day are not "mere questions of policy and diplomacy, they are shot through with principles of life." This profound truth means that the foreign policy of the United States must become as much a matter of national thought as the principles that are to govern the solution of our domestic questions.

If, therefore, we are to continue the use of the term "Monroe Doctrine," let us confine it to the one great principle for which it today stands. Whatever principles we may find it necessary to add, let us recognize them frankly as new principles of American foreign policy, to be justified on the basis of imperative national interests or of manifest international obligations.

I firmly believe that it would tend to clarify the national thought of the American people if we were to abandon the use of the term "Monroe Doctrine," at the same time stating in no uncertain language that the principle that "no European Power shall control the form of government or the political destinies of an American state" is as vital an element of our national policy as it was in 1823. This would mean that any additional principles of our foreign policy that might

be formulated would not masquerade under the assumed name of the Monroe Doctrine, but would be clearly recognized as constituent parts of a constructive American foreign policy. Such a plan would have the further advantage of allaying the uncertainty which exists in the countries of Central and South America as to the content of the Monroe Doctrine and the ulterior purposes of the United States.

We are told by no less an authority than the Lord High Chancellor of England (Lord Haldane), that the Monroe Doctrine involves a necessary corollary that the United States will assume the responsibility for good government and fair treatment for the smaller nations of the Western Hemisphere. This may or may not become a principle of American foreign policy, but whatever the future may have in store, let us clearly recognize the fact that such a principle is no part of the Monroe Doctrine, and that it must, therefore, be discussed and justified by reasoning extraneous to the doctrine.

Another distinguished observer of American institutions tells us that the Monroe Doctrine involves a duty on the part of the United States "not only to protect the political entity of Latin America, but also to preserve its financial independence; to save it from its own weakness, to protect it from becoming a victim of concessionaires, whether they be American or European; to enable Latin America to develop itself without selling itself into bondage; to encourage Latin America to respect itself, so that it may have the respect of the whole world." Here again we have a series of principles which are new to American foreign policy and are but remotely related to the Monroe Doctrine. They must not be permitted to masquerade under an assumed name.

A few months ago, in an address delivered before the Southern Commercial Congress, the President of the United States took a similar position. In formulating a new principle of American foreign policy, the purpose which he seems to have in view is the gradual financial emancipation of the countries of Central and South America from their present dependence on European capital. In the course of this address, the President attacked "the material interests that had influenced the foreign policy of certain governments in their relations with the nations of Latin America." He declared it to be the duty of the United States, "to assist the nations of this hemisphere in their emancipation from the material interests of other nations, so that they might enjoy constitutional liberty unrestrained." "You hear," he said,



"of concessions to foreign capital in Latin America. \* \* \* States that are obliged to grant concessions are in the position that foreign interests are apt to dominate their affairs. Such a state of things is apt to become intolerable. It is emancipation from this inevitable subordination that we deem it our duty to assist."

It is true that the President restricted himself to a declaration against "concessions," and it would seem that to his mind this term involves the idea of special privilege or monopoly. The nearest equivalent of the Spanish word "*concesión*" is our own legal term "franchise." It is true, that in many of the countries of Central and South America such franchises include the grant of monopolistic privileges. It is also true that under the cloak of such franchises many abuses have been committed, but we must bear in mind that the unsettled political conditions prevailing in many of these countries and the exceptional risks to which foreign capital is subjected have made it necessary to offer exceptional inducements in order to attract foreign investors. If we stop to reflect on the extraordinary inducements which were offered to foreign capital during the early history of the United States, and on the great service which such capital rendered to our national development, we can readily see that any policy the effect of which is to discourage foreign investments in Central and South America can not help but retard the development of those sections of the continent. We may deplore the fact that in many of the republics of the American continent there has been a wasteful and at times a corrupt distribution of franchises and special privileges, but is it either our duty or our right to determine or even to suggest the standards to which the investment of foreign capital shall conform?

At all events, let us not close our eyes to the fact that the formulation of this policy has aroused serious misgivings throughout the countries of the American continent, as it is looked upon as an unwarranted assumption of control over their liberty of action. In Europe the President's pronouncement is regarded as confirmatory of a suspicion, which has been growing within recent years, namely, that the United States has embarked upon a national policy, the purpose of which is to reserve the less advanced countries of this continent for the economic exploitation of American capital.

Whatever the ultimate judgment on the appropriateness of the principles or the wisdom of the policy formulated in the President's Mobile

speech, it should be made clear that this new orientation of our foreign policy is not a part of the Monroe Doctrine, and has no organic relation to the fundamental principle upon which the Monroe Doctrine rests, namely, national safety and self-protection. It is a new and strange principle which has aroused the opposition of the countries for whose benefit it is intended, and has engendered bitterness of feeling amongst European peoples. If it is to be maintained, it must justify itself by basic reasons of national interest and international obligation entirely independent of the Monroe Doctrine.

Permit me in closing to summarize briefly the position which I have taken with reference to the Monroe Doctrine in its relation to American foreign policy:

1. The Monroe Doctrine, while based on a well recognized principle of international law, namely, the right of self-protection, is itself not a part of international law, nor have we the slightest interest in having it so recognized.

2. The Monroe Doctrine, as such, consisted of but two principles; a declaration against further European colonization, and a declaration against European control of existing American states. The first principle is no longer applicable, because of the fact that the occupation of the territory of the American continent by independent nations has made further colonization impossible; the second is as vital to our national safety and well-being today as it was ninety years ago. It implies no hostility toward European countries, but simply embodies the results of accumulated experience, namely, the unwisdom of permitting the American continent to become the theater of European rivalries.

3. We should never permit the Monroe Doctrine to become a cloak, behind which any country may take refuge for the purpose of escaping the consequences of its wrong-doing. European countries should be given a free hand in pursuing the remedies recognized by international law for the redress of grievances, but, as President Roosevelt said, such remedies should not be permitted to assume the form of a permanent occupancy of American territory, or permanent control of the destinies of an American state.

4. Where the conditions are such that the only effective remedy involves the danger of such control, the United States is justified, entirely independent of the Monroe Doctrine, to pursue the course

followed with reference to Santo Domingo in 1905, which was in effect the reorganization, under American auspices, of the finances of that country, and the lending of our aid and support in the administration of its revenues. All these steps were taken, mainly, for the benefit of European creditors.

5. Neither the Monroe doctrine nor any additional valid principle of our foreign policy justifies the assumption of responsibility either for the fair treatment of Europeans, resident in the countries of Central or South America, or for the maintenance of the financial independence of these countries.

By reason of peculiarly favorable circumstances, we have become the leading nation of the Western Hemisphere in population, wealth and power, but the fact of such a position involves the necessity of forbearance and self-control in order that such power shall not be abused.

6. We must abandon the idea of developing a "Latin-American policy." The general principles of 1823 were applicable to all parts of Spanish and Portuguese America at a time when the newly established republics presented many common characteristics. A century's growth, however, has so differentiated these countries that the United States must now develop its relations toward each of them with the same care and discrimination that Great Britain exercises in its relations with the countries of continental Europe. As we have seen, a policy adapted to Mexico is inapplicable to the Argentine, Brazil, Chile or Peru, and a policy which is necessary in dealing with Nicaragua or Colombia is inapplicable to Guatemala or Salvador.

Nothing is more distasteful to the more advanced countries of South America than to hear the President of the United States speak of a "Latin-American policy." Nothing offends them more deeply than when the government of the United States attempts to admonish the Latin-American countries as if they were all in the same category.

7. The rapid development of the leading countries of Latin America, especially the Argentine, Chile, Brazil and Peru, has prepared the way for the development of an American Concert, which can be far more effective in its action than the European Concert. The pending international problems of South America can best be solved by coöperation of the United States with these four Powers. The sooner we prepare for such concerted action the better will we be able to serve the cause

of peace and good will on the American continent. In order to prepare for such action, we must cultivate closer intellectual and cultural ties with the countries of Central and South America. Only through such means will they secure a clearer understanding of the point of view of the people of the United States, and will we be able to appreciate more fully their aspirations and ideals.

8. Finally, it is evident that the United States can exert its greatest and highest influence on the American continent by the force of its example rather than by any self-constituted guardianship. Let us see to it that every treaty entered into by the United States is faithfully observed. Our present reputation amongst the nations is that of a country prone to a narrow and technical interpretation of treaty obligations. Our failure at critical periods to fulfil our full duty toward foreigners resident within our borders, the helplessness of the national government to give adequate redress for injuries to foreigners caused by mob violence, the attempt at a highly technical interpretation of the Hay-Pauncefote Treaty, have made a painful impression throughout the civilized world. A due regard for the sanctity of these obligations, and a firm determination carefully to observe the rights of the weakest as well as the most powerful nations with which we may be brought into contact,—these are the principles which will give to this country a real position of leadership, and will enable it to secure the good will and active coöperation of the countries of Central and South America.

With the Monroe Doctrine limited to the principle which today remains a vital one, with a constructive foreign policy dealing with every country in accordance with its needs and our own national requirements, and with a position of leadership assured by our example rather than by our military or naval force, we will best accomplish the twofold purpose which our foreign policy must ever have in view,—the protection of our national interests and the promotion of the peace and progress of the entire American continent.

The CHAIRMAN. The next speaker on the program is Mr. Eugene Wambaugh, Professor of International Law, Harvard Law School.

Mr. WAMBAUGH. Mr. President, Ladies and Gentlemen: This is the eighth of a series of papers on the Monroe Doctrine. Necessarily

there is much repetition. As far as practicable, repetitions have been eliminated from this paper of mine. The result is that the paper is not complete. Very possibly the result also is that it is incoherent. If any one is especially interested in my line of thought, he should look at the printed proceedings of the Society. And yet, though what I have to say is somewhat dilapidated for the reasons which I have mentioned, I trust that enough remains to make it perfectly clear that I believe in the Monroe Doctrine, every word of it, every letter of it, all the punctuation marks, and also that if a scare-head were placed over my paper—and just now we are a trifle too well acquainted with scare-heads—that scare-head would say, "The Monroe Doctrine: A Gospel of Peace."

### THE MONROE DOCTRINE—A GOSPEL OF PEACE

ADDRESS OF EUGENE WAMBAUGH,  
*Professor in the Law School of Harvard University*

In most parts of the United States one seldom sees a camp, a fort, a cannon, or even a soldier.

There are countries of which this can not be said.

The difference can be made clear by statistics.

The population of the German Empire in 1910 was slightly under sixty-five million; and in 1912 the peace establishment of the army and navy, excluding all reserves, amounted to six hundred and eighty-nine thousand, or a trifle over one per cent of the population.

The population of France in 1911 was slightly under forty million; and in 1913 the peace establishment of the army and navy, excluding reserves and excluding men serving in Algiers, amounted to five hundred and ninety-six thousand, or almost exactly one and one-half per cent.

In 1910 the population of the United States was almost ninety-two million; and hence, if the average of the German and French figures—one and one-quarter per cent—had been the measure of our military establishment, the number of men in the army and navy would have been about one million three hundred and eighty thousand; but, as in 1912 the army and navy, excluding about 6,000 provisional troops in the Philippines, and including about the same number of naval militia, amounted to fewer than one hundred and forty thousand, the

actual military force in time of peace, though much larger than was usual before the war with Spain, was less than one-sixth of one per cent.

What is the reason for this discrepancy? As Germany is a monarchy and France a republic, it is not to be found in the form of government. Nor is the reason to be found in relative danger of domestic uprising; for even the tension in Alsace is essentially international and not domestic. Nor is the reason to be found in the geographical isolation of the United States; for modern invention put an end to that isolation long ago.

The reason is to be found chiefly in the attitude of the United States toward foreign nations—in other words, our international policy. This foreign policy has two doctrines; and each of them looks toward peace.

What are the doctrines of our foreign policy?

The first in order of time and in order of importance is the Washington Doctrine, laid down in Washington's farewell address of 1796, and sufficiently indicated by the following extracts:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little political connection possible. \* \* \* Europe has a set of primary interests which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities. \* \* \* Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It should be noticed that the Washington Doctrine of abstinence from interference in European affairs is a declaration not of international law, but of our own national policy. To interfere remained and still remains as much or as little of a right as it ever was. All that Washington said was that entanglements with European affairs would be inexpedient. Notice also that no President, not even Washington, has had power to establish for the United States a policy neces-



sarily permanent. No President has the power to fix a foreign policy to be pursued throughout even his own administration; for the Constitution does not entrust questions of foreign relations to the President alone. As to these matters he can show the way, and powerfully persuade, but not compel. Others must concur, and concur repeatedly, or there is not yet a policy of the nation. Hence the Washington Doctrine derived, and still derives, its power not from any official authority of Washington, but from the persuasive influence of his name and of his reasoning and from the concurring opinions of other statesmen. Washington expressed accurately an opinion of which many other expressions can be cited. Thus John Adams, in 1797, in a message to Congress, said, "We ought not to involve ourselves in the political system of Europe;" and Jefferson, in his first inaugural address specified, among "the essential principles of our Government," "peace, commerce, and honest friendship with all nations, entangling alliances with none," and in 1823, with words having still more clearly the characteristic Jeffersonian vividness, wrote: "I have ever deemed it fundamental for the United States never to take an active part in the quarrels of Europe. Their political interests are entirely distinct from ours. Their mutual jealousies, their balance of power, their complicated alliances, their forms and principles of government, are all foreign to us."

The Washington Doctrine of non-interference in European affairs, being simply a declaration of policy and not at all of duty, has given rise to no European right to insist upon the absence of American interference; but European nations have found little reason to apprehend departure from the Washington Doctrine, for the few departures have been due to emergencies, and have indicated no weakening of the hold of this doctrine upon the American people. In truth, American interference in European affairs has been slighter than Europe has wished.

Perhaps it may seem that the Washington Doctrine is self-evident. On the contrary, it deserves to be considered a valuable discovery in statesmanship. Consider how easily an overenthusiastic believer in republican institutions might have conceived it to be the duty of the United States to become the active apostle of republican institutions throughout the world and hence to attempt to overthrow monarchical governments. Such an attitude would have had some theoretical

beauty; but it would have led to ceaseless war and would have endangered the success in America of the great experiment in government by the people.

Obviously it is largely due to the moderation of Washington and of the statesmen who have perpetuated his views that we do not have in time of peace an army and navy similar to those of the European Powers—a force of more than a million men, perhaps enough men to support the whole population of New England, and certainly enough to constitute a menace to the whole world. Americans are not the only people who should be thankful for the Washington Doctrine. In international affairs it may well rank as the earliest and the greatest gospel of peace.

Yet the Washington Doctrine, taken by itself, would be inadequate to prevent the United States from becoming a warlike Power, having an army and navy burdensome to itself and to the remainder of mankind. The Washington Doctrine simply prevents the United States from seeking entanglements in Europe. In order to protect as far as possible from international complications, the United States needs a converse policy, discouraging European governments from extending their own entanglements to America.

This need was met in 1823 by the promulgation of the Monroe Doctrine.

The Monroe Doctrine is essentially nothing but a declaration that an increase of European governmental power in the Western Hemisphere will be deemed an indication of unfriendliness to the United States. Just then there were two emergencies to be met, the first being that Russia was contemplating the seizure and colonization of a great part of the Pacific coast, and the second that the allied Powers of continental Europe, the Holy Alliance, in carrying out a plan of strengthening monarchical institutions, were suspected of intending to aid Spain in reconquering the Latin American republics; but Monroe went beyond these emergencies in several ways, and particularly in extending his expressions to any European Powers whatsoever.

The essential words taken from several parts of President Monroe's message of December 2, 1823, are:

The American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any Euro-

pean powers. \* \* \* In the wars of the European Powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. \* \* \* With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied Powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective Governments; and to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European Power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny by any European Power in any other light than as the manifestation of an unfriendly disposition toward the United States.

"Europe for the Europeans," says the Washington Doctrine; and the Monroe Doctrine says, "Yes, and America for the Americans."

The Monroe Doctrine, then, recognizes the Washington Doctrine of noninterference with European governmental affairs, and it introduces three new points, related to the Washington Doctrine, obviously, but nevertheless in a sense new.

These three new points are corollaries, or, so to speak, converses, of the Washington Doctrine, and they may be condensed thus: (1) that "The American continents \* \* \* are henceforth not to be considered as subjects for future colonization by any European Power;" (2) that as to the European Holy Alliance which had been organized to sustain monarchical institutions, "we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety," and (3) that as to American governments, "we could not view any interposition for the

purpose of oppressing them, or controlling in any other manner their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition toward the United States."

Running through each of these three subdivisions of the Monroe Doctrine is the common factor that European jurisdiction in America shall not be enlarged; and running through both the Washington Doctrine and the Monroe Doctrine is the common factor that the possibility of clash between Europe and America shall be reduced to a minimum.

The three points of the Monroe Doctrine have had varied fortunes.

The first point, the one against further colonization, though originally declared with peculiar emphasis as to Russia only, has been observed by all nations, and no colony has been established in America in the ninety years since the date of Monroe's message.

The second point, the one against the extension of monarchical institutions in this hemisphere by the Holy Alliance, was never disregarded by the Holy Alliance itself—a league now long dead,—and the principle underlying it can hardly be said to have been disregarded at any time save by the unsuccessful attempt of Napoleon the Third to establish Maximilian as Emperor of Mexico.

The third point—the one intended to prevent the overthrow of Latin American governments, is at present the most important part of the Monroe Doctrine; and for that reason, as well as because it is sometimes misunderstood, it is the part to which it is best worth while to direct our attention now.

Let us notice what the Monroe Doctrine is not. To begin with, it is not an allegation that citizens of the United States or of Latin America are wiser than Europeans. It does, however, involve an allegation that governmental questions on this side of the Atlantic are more likely to be understood properly and to be settled justly and sympathetically by men wholly removed from considering the effect of such problems upon the interests of Europe.

Again, the Monroe Doctrine contains no indication of unwillingness to welcome Europeans to these continents as settlers.

Nor does the Monroe Doctrine indicate any intent of the United States to monopolize Latin American commerce. Indeed, as to this commerce the United States has thus far done little—far too little,—and to imagine that the United States plans a monopoly as to this

matter is to ignore the plainest facts. The Monroe Doctrine does not include even the slightest hostility to the enlargement of European commercial—merely commercial—activity. There is, it is true, a danger that persons interested in commerce may make the mistake of coveting governmental power also; but commerce and governmental jurisdiction have no necessary connection, and this fact is well recognized by the friends of the Monroe Doctrine—though, to be sure, they keep their eyes open.

No, the Monroe Doctrine has nothing whatever to do with immigration, and nothing directly to do with commerce. The Monroe Doctrine has to do exclusively with government. It merely opposes the increase of European governmental jurisdiction.

When the increase of that jurisdiction is opposed, some results follow. It is well worth while to notice what these results are; and it is still more worth while to notice that certain supposed results are wholly unnecessary and irrelevant.

As the Monroe Doctrine does distinctly oppose the increase of European jurisdiction on the American continents, and as jurisdiction can be gained in ways other than war, it follows that the Monroe Doctrine is not limited to war. Thus, in the long-standing dispute between Venezuela and Great Britain as to the proper boundary of British Guiana, when the Government of Venezuela made clear its contention that Great Britain by mere occupation and claim was attempting to enlarge jurisdiction, the United States insisted that Great Britain owed it to the United States as well as to Venezuela to submit the boundary to arbitration; and the eventual action of the British Government recognized this contention, and, incidentally, gave to the Monroe Doctrine, already respected by Great Britain in the terms of the Clayton-Bulwer Treaty of 1850 as to an inter-oceanic canal, the strong status of a policy approved by the two countries with the greatest governmental interests in the American continents.

Another result of the Monroe Doctrine is that increase of foreign jurisdiction is objectionable if gained indirectly through the means of business corporations—an obvious point also recognized by Great Britain in the Clayton-Bulwer Treaty.

On the other hand, the Monroe Doctrine does not object to the exercise by European governments of such international remedies, even through force, as do not carry with them in fact or in possibility

an enlargement of territory. As President Roosevelt said in his message of December 3, 1901: "We do not guarantee any state against punishment if it misconducts itself, provided that punishment does not take the form of the acquisition of territory by any non-American power."

Further, the Monroe Doctrine does not contain any allegation of a peculiar duty or right of the United States to interfere with other governments in America. Within limits which are incapable of exact definition, the general theory of international law permits what is loosely termed intervention. As to Latin America the United States, like any other nation, has this right. The right, however, whether exercised by the United States or by any other Power, does not carry with it a right to enlarge governmental jurisdiction. The right is either a right to self-protection or a right to help the distressed nation and thus the whole world. The right, in other words, is in no sense a right of aggrandizement. The Monroe Doctrine does not claim as to Latin America a power denied to other governments or a power hostile to Latin America. This is a matter as to which Europeans sometimes make a mistake. They sometimes think that the Monroe Doctrine denies to their governments the right of properly protecting their own interests; and then, naturally enough, they insist that the Monroe Doctrine casts upon the United States the duty of securing the protection of Europeans in Latin America, and creates in the United States a so-called relation of suzerainty there, and contains an allegation of a claim to overlordship. Yet the Monroe Doctrine recognizes no such duty and claims no such right, and the duty and the claim are figments of European imagination. Under the influences of suggestions from Europe, some Latin Americans make the same mistake of conceiving that the Monroe Doctrine includes an assertion of overlordship—hegemony, a word not used in the United States, being the word adopted as a designation of this fictitious attitude. Thereupon, some Latin Americans express hostility to the Monroe Doctrine as thus misunderstood by them. Their mistake is in not distinguishing between the actual Monroe Doctrine and the fictitious European theory of overlordship. When the distinction is properly made, Latin American statesmen and authors habitually disapprove the theory of overlordship and approve the real Monroe Doctrine, insisting, indeed, that the Monroe Doctrine, instead of being a mere policy of the United States, is in harmony with the policy of the whole of America.



Further, the Monroe Doctrine represents no desire for territorial expansion by the United States. We, the people of the United States, are still idealists and do not wish to be despots. Of our idealism, as all the world should recognize, Cuba is a certificate seven hundred miles long.

So much for what the Monroe Doctrine is. Next let us discover to what extent it is binding. As already has been indicated briefly, no President can cause a policy to be permanently binding on the United States. It is clear that the Constitution gives to the President no such power as to international affairs. War is declared not by the President, but by Congress. Treaties are made not by the President alone, but by the President and the Senate in coöperation. Nor can all these officials in conjunction make a permanent policy. Each of them goes back to his constituents at least once in six years. Nor can even the sovereign people make a policy permanently binding. In what sense then, can it be said that the Monroe Doctrine is a permanent policy? Only in the sense that it has been approved by our statesmen for ninety years, and with the assent of the people throughout that time has been practiced, and at least once, namely, at the time of the Venezuelan boundary dispute, has been made the basis of action by Congress. In what sense can it be said that the Monroe Doctrine binds foreign countries? In no sense save that they themselves have more or less silently acted in accordance with it for ninety years and that they know a breach of it would be deemed by the United States an unfriendly act. What would be the result of committing an unfriendly act? Not necessarily war, for there are many other ways of effectually indicating that an act is deemed unfriendly. Yet undoubtedly a serious breach of the Monroe Doctrine—though it is a gospel of peace—would be treated by the United States as a cause of war.

It is now time to ask what would have happened if the Monroe Doctrine had never existed. Surely no one doubts that Latin America would now be largely divided among the governments of Europe, that there would be boundary disputes and constant wars and rumors of wars, that even in time of peace there would be armies and navies similar to those now found necessary to preserve the balance of power in Europe, that the United States also would have to maintain a similar armament, and that then, to counterbalance this million and more of our armed men ready to strike, European Governments would be com-

pelled to go still farther in the race for increasing the fighting force. The loss through armies and navies is not so much a loss of men in time of war as the loss of men in time of peace. After all, wars seldom last long and may not result in many deaths. A standing army and navy, however, can not do otherwise than remove men from normal life and productive work. That is one of the certain losses from which the Washington Doctrine and the Monroe Doctrine, the two gospels of peace, have saved the United States.

Surely, we people of the United States have good reason for congratulating ourselves on those two features of our foreign policy. Yet it should not be forgotten that, though the Washington Doctrine requires no coöperation, the Monroe Doctrine can not have full efficacy without acquiescence by foreign Powers. To the Governments of Europe is due high praise for their actual practice as to this policy. They might easily enough have expressed hostility to it, might have attempted to extend their governmental control upon the recurrence of revolutions in Latin America, and might thus have compelled the United States to become a war-like country, or at least a country armed to the teeth. Why have they done this? Perhaps because they foresaw that such a procedure would turn Latin America into a region of European wrangling, necessitating a large increase in the war-like establishments of Europe. Perhaps they foresaw that an increase in the armament of the United States would still further increase the war-like burden resting upon the European taxpayer. Perhaps, however, they more or less unconsciously perceived and admired the tendency of the American policy to promote peace throughout the world. In any case their statesmanship in this matter should receive our own admiration and applause. Yes, in any cool and thoughtful atmosphere, one can not avoid yielding to foreign nations some of that praise for statesmanship which should be pronounced whenever the Monroe Doctrine is mentioned.

It has been the second great gospel of peace; and it has a record of rare dignity: ninety years of preaching by American statesmen, ninety years of practice by the American people, ninety years of acquiescence by the whole world, ninety years of success.

The justification, then, of the Monroe Doctrine is that it is intended to promote peace.

When one understands the two peculiar features of the foreign

policy of the United States—the Washington Doctrine and the Monroe Doctrine—he sees that they promote the welfare of the whole Western Hemisphere and of the whole world. They stand for a hope that on this side of the Atlantic there may gradually come to pass peace and the reign of reason.

And now, partly by way of summary, it is worth while to collect in one place a list of the most important mistakes now and then made as to the Monroe Doctrine.

It is a mistake to imagine that the Monroe Doctrine goes further than to oppose the increase of European governmental jurisdiction.

It is a mistake to imagine that the Monroe Doctrine contains as against Latin America a declaration of overlordship.

It is a mistake to imagine that the Monroe Doctrine has ever been altered; for, although several Presidents have overstated it or understated it, the overstatements or understatements have not been repeated and have not been made the basis of action.

It is a mistake to imagine that the Monroe Doctrine indicates unfriendliness to Europeans or unwillingness that they become residents of this hemisphere.

It is a mistake to imagine that the Monroe Doctrine indicates an intent in the United States to monopolize the commerce or the sovereignty of America.

It is a mistake to imagine that the Monroe Doctrine protects American countries from responsibilities imposed by international law.

It is a mistake to imagine that the Monroe Doctrine has not received approval in Europe, or that any European statesman in recent years has avowed a desire to enlarge European governmental jurisdiction in this hemisphere.

It is a mistake to imagine that the Monroe Doctrine—as distinguished from the imaginary doctrine of overlordship sometimes confused with it—has not received approval in Latin America, or that any Latin American statesman has avowed a desire to enlarge European governmental jurisdiction at the expense either of his own country or of any other.

It is a mistake to imagine that the increasing power of some Latin American countries causes the Monroe Doctrine to become inapplicable to them; for an extension of European governmental jurisdiction over those countries, however improbable such an extension may

be, would be quite as detrimental to the peace of this hemisphere as would be the extension of European governmental jurisdiction over the countries which are weak.

It is a mistake to imagine that any good can come from either affirming or denying that the Monroe Doctrine is a part of international law; for it is enough that it is a legitimate policy.

It is a mistake to imagine that every problem as to the attitude of the United States towards the other parts of this hemisphere is to be solved by the Monroe Doctrine exclusively; for the United States has the right in this hemisphere as well as elsewhere to exercise all privileges recognized by international law.

Finally, and principally, it is a mistake to imagine that the Monroe Doctrine is other than a policy beneficial to the whole world—a true gospel of peace.

The CHAIRMAN. This completes the formal addresses on this subject, which is now open for discussion if anyone wishes to speak upon it. As the succeeding meetings are also occupied with the same general subject, there will be further opportunities for the discussion of it. (After a pause.) There being no one who desires to discuss the question this evening, the meeting will adjourn until tomorrow morning at 10.30 o'clock.

#### FOURTH SESSION

Friday, April 24, 1914, 10.30 o'clock a.m.

The Society met at 10.30 o'clock a.m., Mr. JAMES BROWN SCOTT presiding.

The CHAIRMAN. Hitherto the Monroe Doctrine has been considered in the light of its origin and in the light of its historical application, and the misconceptions and the limitations of the doctrine have been pointed out. We now come to consider the questions as to whether or not the Monroe Doctrine is to be considered as national or international, what countries benefit by the Monroe Doctrine, and more especially the development of the Latin American attitude toward the Monroe Doctrine, as the doctrine in its beginnings was meant to apply more especially to the Latin American countries in their relations with the United States. It gives me very great pleasure to introduce to you as the speaker on the subject, "The Monroe Doctrine: National or International?" Mr. William I. Hull, Professor of History in Swarthmore College.

Mr. HULL. Mr. Chairman, Ladies and Gentlemen: I hope that you heard the question mark which should follow the words of the title of this paper. It is omitted, I observe, from the program, but there is a question mark after the word "international." It should be, "The Monroe Doctrine: National or International?"

I trust that it will not be considered by this audience that this paper raises a very questionable issue, but, nevertheless, I am going to give you my own frank convictions upon the subject, however they may be characterized.

#### THE MONROE DOCTRINE: NATIONAL OR INTERNATIONAL?

ADDRESS OF WILLIAM I. HULL,  
*Professor of History in Swarthmore College*

The Monroe Doctrine has been, during the past twelve months, the subject of such animated and far-reaching debate that it may be well

at this point to observe the example of Daniel Webster, who began his reply to Senator Hayne with the words:<sup>1</sup>

Mr. President, When the mariner has been tossed for many days in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude and ascertain how far the elements have driven him from his true course. Let us imitate this prudence and, before we float further on the waves of this debate, refer to the point from which we departed, that we at least may be able to conjecture where we now are.

We Americans in discussing the Monroe Doctrine appear to be concerned chiefly with the growth and present scope of the doctrine itself, and seldom if ever pause to consider the reasons why the United States undertook and continues to enforce it by its own unsupported sanction. It is the object of this contribution to the great debate to consider chiefly the major premise of the accepted conclusion, and to examine the *Monroe*, or national, sanction of the doctrine, rather than the doctrine itself. In other words, the writ of *quo warranto* having been issued against the United States, let us frankly respond to the summons to show why our country alone, rather than the family of nations as a whole, or several members of it, at the least, should be bearing the burden in our own and the world's behoof.

As a preliminary to this discussion, it is essential to state as concisely as possible the present status of the doctrine. In the first place, its *terminus ad quem* has been changed or greatly broadened. Directed at first against Spain and the Holy Alliance, it has become a warning to the governments of Europe, Asia, and Latin America as well,—for the whole world, indeed, to heed and obey.

From the territorial point of view, it began with an assertion of America's territorial integrity against European acquisitions either by force or by colonization; but it now prevents the voluntary transfers of American soil by Old World Powers to other Old World Powers, by New World Powers to Old World Powers, and doubtless, if the case should arise, by New World Powers to other New World Powers. In these days of large corporations, also, it has been made to forbid

<sup>1</sup>In the United States Senate, January 26, 1830.



any foreign corporation subsidized or controlled by an Old World government to acquire land in the Americas which is so situated as to menace the safety or communications of the United States. At present, the interpretation or extension of the doctrine in this direction has not gone far enough to exclude *all* foreign corporations from doing business on the soil of the Americas; but there is sufficient elasticity in such phraseology for indefinite expansion in the future, and already some foreigners are complaining that such is the logical outcome of President Wilson's Mobile declaration against Latin American "concessions."

From the point of view of American self-government, the doctrine began with a declaration against the restoration to Latin America of the monarchical government of Spain. Its author condemned, however, any intervention on the part of the United States in favor of a republican form of government; and this condemnation was repeated by his successors, even including President Polk,—who in most matters far out-Monroed Monroe. But within the past two decades, our self-restraint in this particular has been cast to the winds. One of our most highly esteemed Secretaries of State,—intoxicated, possibly, by the exuberance of a temporary pugnacity,—declared that "the United States is practical sovereign on this continent and its fiat is law upon the subject to which it confines its interposition." Every administration since that time has made popular government of the fiat variety one of its specialties in dealing with Latin America.

In President McKinley's administration, the Platt Amendment was applied to Cuba to protect the new republic against any hankering on its part after the fleshpots of Spain or other European monarchies, by providing that Cuba should make no treaties with foreign governments tending to destroy its independence or territorial integrity and should contract no public debts disproportionate to its ordinary revenue, and that the United States should or might intervene to protect Cuban independence and to maintain a government adequate for the protection of life, property and individual liberty.

In President Roosevelt's administration, we insisted that a province of Colombia should exercise the divine right of revolution, at the same time we prevented the mother country from exercising its right of coercion over its recalcitrant daughter, and we speedily recognized and permanently guaranteed, for a substantial *quid pro quo*, the inde-

pendence of the new republic. In the same administration, also, the Big Stick was raised to conserve popular government in the Dominican Republic, this time by preventing revolutionists from looting the custom-houses for their sinews of war, and, after the rebellion was suppressed, by collecting and distributing the revenues so as to prevent other revolts and to forestall foreign Shylocks from demanding their pound of flesh in the form of Dominican lands.

In President Taft's administration, the Roosevelt policy in the Dominican Republic was continued, one revolt was suppressed and another prevented, one president was compelled to resign and his successor was sustained,—contrary to Napoleon's dictum,<sup>2</sup>—on the points of American bayonets, while American appointees continued to collect and administer the customs. Nicaragua's popular government, also, was the recipient of President Taft's particular attention. One president was forced to resign; his successor, whom the people thought they had elected, was refused recognition, and a revolt against him was supported by 2,350 United States marines, who drove him into exile, placed a third president in the chair, captured five of the republic's towns, suppressed another revolt, distributed food supplies to the victims of the war, and left four hundred marines "on guard" in the republic's capital city. All this was justified on the plea of "the protection of the life and property of United States citizens and the influencing in all appropriate ways the restoration of lawful and orderly government."

In the present administration, a treaty is said to be pending between the United States and Nicaragua which, if ratified, would make the latter republic a veritable "protectorate" of our own and a base of naval operations, also, against domestic revolts, foreign land-grabbers, and European creditors in the other Central American republics. The enforcement of a fair trial of political offenders in Cuba, the "supervision" of Dominican elections, and the refusal to recognize Huerta, an enforced presidential election, and the rejection of the electoral returns, in Mexico, are all too recent to need more than a mere mention. In view of such achievements as these by an administration only one year of age, we must all recognize grave significance in President Wilson's declaration in his first annual mes-

<sup>2</sup>"You can do anything with bayonets, except sit on them."

sage that "we are the friends of constitutional government in America; we are more than its friends, we are its champions."

Thus, not only in our own dependencies, Porto Rico, Hawaii, and the Philippines, but in our neighboring republics, which are nominally independent, our government has become the school-master in the science and art of popular government. Jefferson's and Monroe's confidence in democracy has grown into a determination that our neighbors in the Western World shall enjoy for themselves, *volens volens*, the blessings of constitutional government, even if we are obliged to blow these blessings upon them from the guns of super-dreadnoughts.

When it is suggested that this enterprise upon which we are engaged is a rather quixotic one, that it is in fact a superlatively and preposterously altruistic one for a mere government to be engaged in, the reply which has hitherto proved sufficient is, that popular government and financial solidity are essential to Latin America's political stability, that political stability is the *sine qua non* of its territorial integrity, and that its territorial integrity is imperatively demanded by the Monroe Doctrine for the safety and peace of the United States.

We Americans who have grown restive under the heavy burden of the Monroe Doctrine have sought for some means of evading or lessening our country's responsibility, and sundry alternatives have been suggested. Some have roundly denounced it as an "obsolete shibboleth" and demanded that the United States throw it overboard from its ship of state, leaving Latin America to shift for itself, on its own resources, or with such defensive alliances as it can make in the New World or the Old. But in the present state of world politics, this policy of scuttle is rejected by the majority of Americans as fraught with certain peril to Latin America and to the United States as well. Not only is the specter of Old World territorial aggrandizement in the New World,—with its military consequences to ourselves,—seen in this policy of relinquishment, but the hope of efficient popular government throughout Latin America would be relinquished with it. If left entirely to themselves, it appears too optimistic to hope for most of these republics, as President Wilson said of Mexico in his first annual message: "And then, when the end comes [after civil war has ceased], we shall hope to see constitutional order re-

stored in distressed Mexico by the concert and energy of such of her leaders as prefer the liberty of their people to their own ambitions." Ambition, ignorance and lack of political training would long continue to retard the permanent adoption of constitutional government.

If, then, say other sincere critics, the United States must continue to bear the burden of the Monroe Doctrine, let us at least repress it within the straight-jacket of its modest original. The prevention of Old World conquest or colonization, and the prevention of the restoration of monarchical government, in Latin America, are surely sufficient for the safety of the United States and are as much as Latin America can expect at our hands. But *nulla vestigia retrorsum* is the law here as elsewhere in national development; and in these days of complex civilization, conquest, colonization and monarchical government assume such subtle forms that eternal vigilance or constant watchful waiting on the part of the United States is held to be the price of America's freedom from them. Through the doorways of national bonds, of industrial concessions, of land companies, and of special privileges of many kinds, may come those old enemies of the Holy Alliance era whom Jefferson and Monroe so valiantly resisted.

Let us, then, say a third class of critics, bargain with those Old World Powers from whom, in our enforcement of the Monroe Doctrine, we are supposed to have most to fear,—Germany and Japan, for example,—and secure their formal recognition of the doctrine, not as a mere national policy, but as genuine international law. We have secured partial and sporadic recognition of it by some of the European Powers; let us induce them, by giving them some suitable *quid pro quo*,—such as the Philippines, or tariff concession,—to yield it once for all their formal acceptance. But students of the history of our country need not be reminded that our chief national characteristics and instincts are opposed to such international bargaining; while students of the history of international law need not be reminded that so-called international law which is based on such partial and selfish agreements is as unstable as the shifting sand of the desert or the shore.

Let us, then, say still other critics, make a direct alliance with the Great Powers of Europe,—Great Britain, Germany and France,—for the enforcement of the doctrine. If we can not make it genuine international law, let us continue it as a national policy and make an alli-

ance for its support with those European Powers which are most interested in it and which are best able to render support to it. The advocates of this plan are not Americans alone. A member of the British House of Commons<sup>3</sup> who is travelling in our country at the present time has recently said: "We are one people and of one blood. Our King came from Germany; and I hope to see an alliance between England, Germany and the United States, with the *entente* with France maintained." These are friendly sentiments; but aside from the probable cost of such alliances as these, they run counter to our national antipathy, which has been firmly rooted ever since Washington's Farewell Address, to entangling alliances; and they run counter to that strong and ever increasing current of world-wide internationalism which is so marked a characteristic of our era, and which is opposed to partial alliances of every kind and degree.

Again, it is suggested with growing insistency that, if not with the strongest of the Old World Powers, then surely with the strongest and most stable of the New World Powers, "the A. B. C.," for example, we can make an alliance for the enforcement of a distinctively American policy. This suggestion is a revival of President Jefferson's plan of 1808 to form, through General Wilkinson, an alliance between the United States, Spanish America, and Brazil. It is a revival under greatly changed and more favorable circumstances, of course; but it would be in this twentieth century an example of atavism, of reversion to the barbarous diplomacy of the Middle Ages. For the very reason that the Monroe Doctrine is a policy which vitally concerns *all* of the twenty-one American republics, its interpretation and enforcement may not justly be left to any partial "concert" of a few of them. The injustice to the weaker Powers, and the lack of harmony among the allied Powers themselves, which must be anticipated from any such "American Concert," may be estimated from the history of the "Holy Alliance" and the "Concert of Europe." With the growth of the Latin American Powers, such a course would lead in time to the institution in this hemisphere of the precarious and portentous condition of affairs in the Old World with its triple and dual alliances, and its *ententes* which are cordial only toward their own members and inimical and menacing toward all outsiders. Again, such a "Concert of America" would necessarily be on equal terms, or it would

<sup>3</sup>Rev. C. Silvester Horne, M. P. for Ipswich.

be dominated by the United States. If on equal terms, its object would be inevitably frustrated, by disagreement both as to what should be done and as to who should do it. The recognition of Maximilian's government in Mexico by Brazil, and Chile's impression of the meaning of the Monroe Doctrine in the United States' collection of the Alsop claim, are two out of many illustrations of the inevitable disagreements which would ensue under any such quadruple alliance. If the "concert" be dominated by the United States, even though only for the sake of prompt decision and effective enforcement, the A. B. C. Powers would naturally regard it as only one more and the most galling of all the evidences of the "Yankee Peril" which the A. B. C. was formed primarily to combat.

Foreign nations would inevitably regard the alliance of the United States with a selected few of its Latin American neighbors as an illustration of the lion and the lamb lying down together,—with the lamb inside,—and much to the detriment of the lion's digestion and prestige among the other beasts of the jungle. A distinguished London journalist,<sup>4</sup> who is a representative of his paper in this country, has frankly declared that such a suggestion is rank cowardice, a confession of weakness which a great nation like ours has no right to make; and he assured his audience that Great Britain would never be dictated to by Latin Americans, even though allied with the United States.

The distinguished Director General of the Pan-American Union has broadened the A. B. C. suggestion to include *all* of Latin America and to substitute the "Pan-American," for the "Monroe," Doctrine. This is a revival of Bolivar's dream of a Pan-American amphictyonic council, sitting at Panama, and checking the nefarious designs of the Holy Alliance. Pan-Hellenism, Pan-Germanism, Pan-Slavism are thus to be followed by Pan-Americanism.<sup>5</sup> But if too much lamb might impair the lion's digestion, what might be expected from the addition of so many mice, and mice of a peculiarly tough and indigestible quality? The Latin Americans themselves would probably object to the achievement of such a meal: "But not on us," the oysters said (in response to the supper invitation of the walrus), "And they

<sup>4</sup>Mr. A. Maurice Low, of the *London Morning Post*.

<sup>5</sup>Another recent illustration of the Pan-Americanism abroad in the land is a suggestion by Senator Falls, of New Mexico, that *all* American coast-wise commerce be exempt from the payment of Panama Canal tolls.



shed a salty tear." For the relations of our republic toward many of its neighbors in the past have partaken too much of that policy which has been graphically described as "a quick succession of kicks and kindness," to make such a proposal acceptable in entire confidence. Mexico, Colombia, Cuba, Nicaragua, the Dominican Republic, Chile, even Haiti, might be suspicious of entering into an alliance on unequal terms with the American eagle, whose talons have been felt more than once on their soil; and to an alliance with them on equal terms,—it would seem better to throw the Monroe Doctrine overboard at once and invite Chaos to climb on board and thus avoid the long and poignant agony which would inevitably intervene before that goddess eventually took control.

What alternative, then, is left? If the Monroe Doctrine is not to be declared obsolete and to be utterly discarded, if it can not now, in face of the imperative demands of twentieth century civilization, be repressed within the straight-jacket of its modest original; if no attempt should be made to induce the great Powers of Europe to give their formal assent to the United States' enforcement of it, and if no alliance with them should be made to aid the United States in its enforcement; if an "American Concert," including the United States and the A. B. C. Powers, be impracticable and undesirable, and even more impracticable and undesirable a Pan-American Concert; what other refuge is there?

There are two alternatives left, namely, the strictly *national*, and the genuinely *international*, or what I have ventured elsewhere to call the *supranational*,<sup>6</sup> sanction.

The advocates of the strictly national enforcement of the Monroe Doctrine, of its enforcement by the United States alone, form very probably at present the great majority of our fellow-countrymen; but this majority is daily decreasing as the logic of accumulating events is brought irresistibly home to them. Of course, "we've got the ships, we've got the men, we've got the money too;" and if put to it we can still, doubtless, "lick all creation."

But the process of keeping constantly prepared for so animated a struggle is found to be increasingly expensive, and a resort to an

<sup>6</sup>*Cf.*, an address on "The Primary Sources of International Obligations," Proceedings of the American Society of International Law at its Fifth Annual Meeting, Washington, D. C., 1911 (pp. 280-288).

income tax in a time of profound peace for the purpose of enabling us to expend two-thirds of the annual revenue on military objects is not greatly relished by the large and intelligent part of our citizenship upon whom the tax falls.

Our merchants and financiers who deal with Latin America are increasingly aware that the United States' individual responsibility for the enforcement of the Monroe Doctrine lies like a lion across the path of their future opportunities for doing an increasing business with our rapidly developing neighbors; and they find, too, that their Old World competitors in these fields are utilizing the unpopularity of our government's policy to secure the lion's share of railroad and other concessions and of the foreign commerce. The growing importance of a foreign market as a stimulus and outlet for our domestic industry is being appreciated so keenly by our chambers of commerce that they are making their voice heard in favor of the repeal of the Panama tolls exemption clause; the light of a similar experience may be expected to dawn upon them in no distant future from the problem of the Monroe Doctrine as well.

Meanwhile, the upper branch of our Congress, less sensitive at present to changes in public opinion than is the lower branch, advances the necessity of preserving sacred the Monroe Doctrine as a reason for rejecting any such policy of "truckling" to Great Britain and the other commercial nations of the Old World as is discovered in the repeal of the tolls exemption clause. Still more menacing to our responsibility for the Monroe Doctrine were considered the general arbitration treaties of 1911 with Great Britain and France, and the Senate accordingly rejected them.

Unfortunately, the Senate's determination that no degree of arbitration,—not even the *compromise* clause in greatly restricted general treaties,—shall be permitted to infringe upon our monopoly of the Monroe Doctrine, persists side by side with, and is the prime cause of, the suspicion and ill-will which bursts forth from time to time between our country and such natural and traditional friends as Germany and Japan.

This sensitiveness as to the safety of the Monroe Doctrine has not brought with it a corresponding backwardness in claiming all the rights and privileges pertaining to it. For example, neither Old World Powers, nor other American republics, besides the one sole champion

of the Monroe Doctrine, may be permitted to share in the building, ownership or control of any canal between the Atlantic and the Pacific. The right of fortifying the Panama Canal has been followed by the assertion that we have also the right to discriminate in favor of our own ships passing through it,—the diplomatic history of seventy years and the existence of a precise treaty to the contrary notwithstanding. "A leetle country never misconstrues a treaty with a big one," says the Albany philosopher;<sup>7</sup> "that is contrary to self-preservation and the law of nations. A leetle country allus construes a treaty with a big one jest the same from fust to last, strictly in accordance with its original meanin' an' intent; but a big nation ain't so gol blamed hide-bound ner bigoted, not by a long sight. If we ever want anything down in Guatemala that we can't git except with the aid of a handful o' blue-jackets an' a marine band, we'll discover a reason fer landin' 'em [and that will probably be the Monroe Doctrine]; we'll dig up a reserve clause in a peace protocol [or the Monroe Doctrine] that can only be interpreted one way in the light of human progress."

Since we insist on the exclusive possession of the *rights* entailed by the doctrine, the Old World naturally demands that we shall assume the corresponding duties. Its governments accordingly invoke our protection for the lives and property of their citizens in the not infrequent times of Latin American revolt and disorder; its corporations make a similar demand; its merchants insist that we shall suppress civil warfare in the interest of neutral commerce; and its peoples assume that it is our duty to put an end to the inhumanity which may be discovered in the rubber-fields of Peru or Bolivia. The Latin American governments, also, have kept us tolerably busy in defending their only available assets, namely, their custom-houses and territory, from the pressing claims of the Old World creditors; and even our own industrial corporations are demanding that our government shall intervene in their behalf against their Old World rivals, lest the latter should infringe upon the Monroe Doctrine by securing concessions from Latin American governments which might place those governments under foreign control, or which might prevent valuable deposits of oil from finding their natural destiny in the tanks of United States warships, the chief object of which is to enforce the

<sup>7</sup>"Epaphroditus Small," *alias* Simon Creel (see the *New York Sun*, April 3, 1914).

Monroe Doctrine, largely in Latin America's behalf. Thus runs the argument in its vicious circle.

So elastic has this doctrine become under the strain of twentieth century cosmopolitanism that so good a friend of our country as the President of the Argentine Republic has characterized it as being made of gutta percha.<sup>8</sup> So indefinite has it become in consequence of our country's attempt to make it apply to every new international emergency that no jurist or publicist outside of our own country can satisfactorily define it; and it is much to be doubted if we can do so ourselves. When it is finally laid to rest, its epitaph may well be: Here lies one whose name was writ in water.

From the point of view of our own republican form of government,—of our own constitution,—the assumption by our government of the exclusive enforcement of the doctrine is open to serious question. The American Revolution was due to Great Britain's adoption of an exaggerated Monroe Doctrine in dealing with its colonies. The Declaration of Independence is opposed to the claim of one nation to coerce the political status of another. Senator Hoar declared in a memorable address: "I maintain that holding in subjection an alien people, governing them against their will for any fancied advantage to them, is not only not an end provided for by the Constitution, but it is an end prohibited therein." The Constitution established a government of, by, and for the people of the *United States*, and certainly did not provide for a paternalistic government of foreign peoples. Article IV, Section 4, of the Constitution was never designed to read: "The United States shall guarantee to every State in this *Hemisphere* a Republican Form of Government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature can not be convened), or even without such application, it shall protect them against domestic violence." Our first President's strict appeal for obedience to the Constitution was so far forgotten by a recent President that, as he himself admits: "I took the Canal Zone and left Congress to debate, not the Canal, but me;" and again: "The Constitution did not explicitly give me power to bring about the necessary agreement with Santo Domingo [to collect and administer that republic's revenues]; but the Constitution did not forbid my doing what I did. I put the agreement into

<sup>8</sup>Dr. R. Saenz Peña, in the first volume of his *Memoirs*, Buenos Aires, 1914.

effect, and I continued its execution two years before the Senate acted.—The Senate adjourned without any action at all.—I went ahead and administered the proposed treaty anyhow, considering it a simple agreement on the part of the Executive which would be converted into a treaty whenever the Senate acted.” Thus near the verge of imperialism, at home as well as abroad, has the Monroe Doctrine and our exclusive administration of it brought us. It is small wonder that the Senate should have struggled with the Executive so ardently under President Roosevelt’s administration and that similar acts on the part of his successor caused the late Democratic chairman of the Committee on Foreign Relations to introduce a resolution in the Senate forbidding the use of the United States’ military forces in lands not subject to the jurisdiction of the United States.

Such are the insuperable and increasing difficulties, the fundamental objections, to the strictly national, or the United States go-it-alone, policy of enforcing the Monroe Doctrine. This solution of the problem is no longer tolerable, either in itself or in its consequences. The hand-writing on the wall, predicting its relinquishment, and the advancing shadow of its successor, are already to be seen. Not that the eternal principles of right and justice which underlie the doctrine are passing; but that the enforcement of these principles on the sole responsibility of a single one of the forty-six members of the family of nations is tottering to its fall. *Le roi est mort; vive le roi!* The preservation of the integrity of national territory and the maintenance of popular government can never be surrendered; but they can and must be placed under the ægis of the entire family of nations and of a truly international court of justice.

One splendid move was made by the United States itself in the direction of sharing with the rest of the family of nations a portion of the responsibility and burden of the Monroe Doctrine when it secured the adoption by the Second Hague Conference of that proposition to which the name of our own General Porter has been given. This provides for the obligatory arbitration of contractual debts before a resort is had to force for their collection; and it was intended to apply especially to Latin American indebtedness to European creditors. But the collection of contractual indebtedness is only one of the multitudinous ways in which an attack on Latin American territory or self-government may invoke the application of the Monroe Doctrine;

and hence it represents only the first step in the journey which must be made. The neutralization of Latin America by the Third Hague Conference, or, better still, a guarantee by that Conference of the territorial integrity of *all* the members of the family of nations, would not only relieve our country of the burden of sustaining this principle of the Monroe Doctrine, but would apply that just and righteous principle to the entire world. The institution of the Court of Arbitral Justice would be greatly facilitated by such a measure; for the smaller members of the family of nations would be more willing to constitute the court on some one of the plans proposed, if they could be assured that this important element of their sovereignty could not be brought before the bar of a court on which they may not have absolute equality of representation. The ratification of treaties of general and even universal arbitration would also be greatly facilitated, as was shown in the Senate's debate on the treaties of 1911, by this world-wide application of the first principle of the Monroe Doctrine.

The world-wide application of the second principle of the doctrine, namely, the guarantee of a constitutional government, although more difficult, is not, in my humble judgment, impossible. With the triumphant march of constitutional government around the world, it represents already nine points of national law, and the burden of proof against it would be placed by any international court of our time upon the opposing party. National courts are daily grappling with far more difficult cases in equity than would be brought before the international court by, for example, the present political problem in Mexico.

Two precedents have already been created in this field of international law, and although they were set up on a relatively small and obscure part of the international stage, they were established under exceedingly difficult circumstances and were wholly effective. These were, first, the arbitration of the revolutionary struggle between Presidents Bonilla and Davila, of Honduras, in 1911, which resulted in the resignation of the latter, the election of the former, and the end of the civil war; and, second, the issue of an interlocutory decree by the Central American Court of Justice, in 1909, which put an end to a revolutionary movement in Honduras by fixing the *status quo*, and by enjoining the neighboring republics of Guatemala and Salvador from giving aid and comfort to the rebellion.



The sanction back of such an award by the court of *all* the nations at The Hague, including as it would all the *vis maxima* of the twentieth century's diplomacy, commerce, finance, and international public opinion, not to mention, if necessary, an international police force, would be ample for its enforcement.

The crux of this problem, of course, is the getting of such cases into court. But, as the United States knows only too well, the modern world is bound too closely together, and is too much under the dominion of the ideals of civilization, to permit the indefinite running of an open sore in the body politic of any member of the international family. This fact would supply the motive force to bring such cases into the international court; while the medium through which it could be done might well be supplied by some such development of the international commissions of inquiry as is recommended by the Taft arbitration treaties, which development I have had the honor of discussing elsewhere under the name of "The International Grand Jury."<sup>9</sup>

This, then, Mr. Chairman and gentlemen, is the solution of the problem of the Monroe Doctrine which I venture to submit to you, believing as I do that it will be the final and wholly desirable solution of a problem which is already difficult and potentially impossible if left to the solution of the United States alone, or of any partial alliances between it and the other Powers, great or small.

The CHAIRMAN. I suppose, gentlemen, that inasmuch as the subjects are so intimately connected, it would be your pleasure to adjourn any discussion until after the conclusion of the regular program. Acting upon that suggestion, if there be no objection, I have the very great pleasure of introducing Mr. Joseph Wheless, of St. Louis, Missouri, who will examine the question: "What countries benefit by the Monroe Doctrine?"

Mr. WHELESS. Mr. Chairman: The symposium of Monroeism which has occupied these sessions for the two days just past, has taken a rather broad scope and has been very illuminating. We have all enjoyed the discussion of this subject from the several standpoints of

<sup>9</sup>Cp. an address on "The International Grand Jury," Proceedings of the American Society for the Judicial Settlement of International Disputes, at its Second National Conference, Cincinnati, Ohio, 1911 (pp. 59-69).

the various speakers. It is a privilege and pleasure to very briefly present a paper coming at the Monroe Doctrine from a little different angle, showing the way in which it is regarded in the countries of Latin America.

The title of my remarks, as assigned to me, is the interrogatory, "What countries benefit by the Monroe Doctrine?"

So much has been stated here by distinguished predecessors on this platform, as to the attitude of the United States towards that proposition of President Monroe and the firm and lasting plan of the United States in the maintenance of that proposition, that it is beside me to indulge in any further discussion of that.

I myself "stand pat" on the Monroe Doctrine and on its maintenance as one of the cardinal features of American policy.

There is another word, that I do not know how to pronounce, that I think ought to be decided by this conference. Every single speaker on this platform has pronounced it differently. The word is "hegemony." My friend, Dr. Scott, gave me a pronunciation of it the other day which he said was correct—but I have forgotten it. In one little quotation in my paper it is used three times by the distinguished Chilean publicist, Señor Alvarez. I shall, if I can remember it, pronounce it a different way each time so as to show my deference to the different views of the different gentlemen that have spoken.

This is a very brief paper. I had rather submit this paper under "leave to print" and relieve my system in the short time that I am going to stand here before you of some views I have that have been evoked by the remarks of other gentlemen; but I want to say this, apropos of the closing remarks of my good friend Professor Hull, in his very interesting and instructive paper. I do not believe that the Monroe Doctrine needs any solution. It speaks for itself, and those that run may read and understand what it means; and we are not responsible in any way for the misconceptions of it, of what Señor Alvarez calls the confusion of ideas existing not only at home but abroad in respect to what the true intent and purpose of that proposition is.

## WHAT COUNTRIES BENEFIT BY THE MONROE DOCTRINE?

ADDRESS OF JOSEPH WHELESS,  
*Member of the Bar of St. Louis, Mo.*

In his recent address before the University of Buenos Aires, ex-President Roosevelt said of the Monroe Doctrine that "it is a doctrine which the United States promulgated, partly as a matter of policy in its own interest, partly as a matter of policy in the interest of all the republics of the New World." The prime matter of policy in the interest of the United States, which dictated its promulgation, is distinctly stated by President Monroe, in his message, to be, that the United States should consider any attempt on the part of the Powers of the Holy Alliance to extend their system to any portion of this hemisphere as "dangerous to our peace and safety." Such apprehensions of the effect on the United States of the establishment of absolute European governments in South America may have been substantial, in 1823; although the real home base of such autocracies in Europe was geographically much closer to the United States, and much more potentially dangerous to its peace and safety, than could have been any branch autocracies which they might have set up in the vast unoccupied territories of South America. However may have been the condition then, nearly a century ago, there are those now in the United States who (mistakenly, I opine) decry the Monroe Doctrine as "an obsolete shibboleth" and demand its abandonment; one writer denounces the Monroe Doctrine in the precise words of President Monroe towards the system of the Holy Alliance, as "dangerous to our national peace and safety," and he deprecates it as a continuing bar to the civilization of Latin America. A prominent member of Congress has recently written me that he regards the Monroe Doctrine as more of a liability than an asset of the United States. So that it would appear, with some reason, that the United States is not one of the countries which most benefits, unless in an altruistic and Pickwickian sense, by the maintenance of the doctrine promulgated by President Monroe.

As to that part of the policy of the Monroe Doctrine which was in the interest of all the republics of the New World, there can be no doubt who are the chief beneficiaries. Let us recall precisely what

are the terms of the Monroe Doctrine, as succinctly and authoritatively stated in the text of President Monroe's historic message of December 2, 1823. It embraces two separate but correlated propositions—(the first addressed to Russia, the other to the Holy Alliance)—the essential words of which are:

I. \* \* \* the American continents \* \* \* are henceforth not to be considered as subjects for future colonization by any European Powers. \* \* \*

II. \* \* \* we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States.

The foregoing simple propositions are "the whole of the law and the prophets" of the Monroe Doctrine. "There was an element of prophetic inspiration," says a distinguished Colombian, writing recently under the pseudonym of A. de Manos-Albas, "in the declaration of President Monroe, uttered in 1823. It rang through the world like a peal of thunder; it paralyzed the Holy Alliance, and defined, once and for all time, as far as Europe is concerned, the international status of the newly constituted American republics." With the utmost enthusiasm and gratitude was the message hailed by the Latin American states; their governments, and the heroes of their independence, declared their hearty approbation of its principles. Bolívar proposed it for general ratification at his projected Panamá Congress, in 1826; and from that date, says Señor Alejandro Álvarez, the Chilean publicist,—who repeatedly calls it "the political gospel of the New World,"—"all the Latin states have not only striven to proclaim it solemnly but also to unite to make it respected," for, he adds, "it expressed the aspirations of all America." "These principles," says the distinguished Spanish publicist, García Moreno, "were universally accepted in the opinion of the people of the American republics, and the Monroe Doctrine was thus converted into a principle of American public law." The brilliant Peruvian, García Calderón, in his celebrated new work, *Les Démocraties Latines de l'Amérique*, says, in grudging admission of the truth:

The United States proclaimed the autonomy of the continent and contributed to the preservation of the originality of southern America, by forbidding the formation of colonies within its vacant territories, by defending republican and democratic states against reactionary Europe.

Before the Fourth Pan-American Conference, Dr. de la Plaza, Argentine Minister of Foreign Affairs, recognized the same truth:

This condition of precarious autonomy and liberty of action, and the constant danger of being subjugated or suffering the mutilation of their territory, would have continued among those weak states but for the wise and famous declarations of President Monroe, to which we ought to render due homage.

A final word of Latin American encomium of the Monroe Doctrine may be cited in the words of the eminent Argentinian, Dr. Luís M. Drago, author of the celebrated "doctrine" which bears his name, who has recently said before this Society:

The Monroe Doctrine is in fact a formula of independence. It imposes no dominion and no superiority. Much less does it establish protectorates or relation of superior to inferior. It creates no obligations and no responsibilities between the nations of America, but simply calls upon all of them, with their own means and without foreign aid, to exclude from within their respective frontiers the jurisdiction of European Powers. Proclaimed by the United States in the interest of their own peace and security, the other republics of the continent have in their turn proceeded to adopt it with an eye alone to their own individual welfare and tranquility. \* \* \* Thus understood, the Monroe Doctrine, which in the end is nothing more than the expression of the will of the people to maintain their liberty, assures the independence of the states of that continent in respect to one another as well as in relation to the Powers of Europe.

Very evident it is from the preceding authoritative expressions, that the countries of Latin America recognize that they have been the chief beneficiaries of the North American Doctrine of Monroe. On the initiative of the late Ambassador Nabuco, sanctioned by the Government of Brazil, a formal acknowledgment of this recognition of benefits was sought to be made by the nations of Latin America

assembled in the Fourth Pan-American Congress, at Buenos Aires, in 1910. As drafted by the distinguished statesman, the resolution recited that "Latin America sends to her great sister nation of the north an expression of her thanks for that noble and unselfish action which has been of such great benefit to the entire New World." Unfortunately, this generous and just design failed of final expression, for the reason, as stated by Señor Álvarez, of a fear on the part of some of the delegates, "that, while approving it, they might sanction along with it many acts of hegemony committed by the United States by which more than one country had felt its sovereign dignity to have been wounded."

Such apprehensions, says Señor Álvarez, arise from a serious confusion of ideas in the minds of many persons, even statesmen and writers on international law, as to what is the Monroe Doctrine; they confuse with it and attribute to it every action and policy of the United States having any relation to Latin America. "Publicists," he says, "have not only failed to see the real origin and nature of the doctrine, but have disfigured its true meaning"; and he adds: "For the majority of persons, it is the basis of the policy of hegemony which the United States is developing on the American continent," points of view, he says, which are inadmissible. "Distinctions should be made," declares the writer, "between (1) the Monroe Doctrine in its primitive form; (2) the hegemony of the United States on the American continent; and (3) the imperialistic policy of that nation." This is not the occasion to enter upon such discussion; these distinctions are simply pointed out to be borne in mind in considering the admitted benefits of the Monroe Doctrine, "in its primitive form," to Latin America.

Numerous instances might be cited of the beneficent operation of the Monroe Doctrine in protecting the independent and territorial integrity of the countries of the southern continent. Besides paralyzing the Holy Alliance in its designs upon the newly acquired liberties of those countries, the Monroe Doctrine has been the shield and buckler of Latin American autonomy from 1823 to the present time, to specify only the instances of the French intervention in Mexico, the Spanish expeditions against Ecuador and against Santo Domingo, the British controversy with Venezuela, and joint operations of England, Germany and Italy against the same country, the joint foreign demonstra-



tion against Santo Domingo, and numerous instances in Central America.

As a ward against European aggression, the Monroe Doctrine is not yet "obsolete." Señor Álvarez recognizes it as still the welcome defense and protection of Latin American independence and integrity, saying: "These states not only do not reject it, but have sought and will always seek protection under it whenever it may operate for their protection." The Peruvian, Señor Calderón, terrified by the specter which he raises before himself of a Japanese invasion and conquest of Latin America "to erect there a new Japan," takes comfort to his fears, exclaiming: "The Monroe Doctrine, which liberated Latin America from the tutelage of the Holy Alliance, is perhaps destined to protect it also against the Orient."

In his chapter entitled *La Menace Japonaise*, he says, "her statesmen and publicists consider that Perú, Chile and Mexico are lands for Japanese expansion," and he gloomily predicts "a struggle between half-breed America and stoical Japan, in which the former will lose its autonomy and its traditions." He begins his chapter *Le Danger Allemand* with the fearsome words: "The Teutonic invasion disquiets the Hispano-American writers. The tutelary protection of the United States does not suffice to make them forget the European peril." Elsewhere he dwells upon the fact that "tenacious Teutonic colonizers" flow into Brazil, Chile and other countries of South and Central America, and declares "the German danger remains." History has been a long record of the expansion of active and populous nations at the expense of weaker and less populated states; and there is nothing to indicate that this movement has reached its final period. Indeed, the struggle for expansion for overflowing populations is reaching its most acute stage. The possibility of a "scramble for South America" does not exist alone in the fears of some South American theorists. Practical men of state openly express such fear, and some of the land-hungry have been frank to avow their annoyance with the restraints of the Monroe Doctrine. The bitterest denunciation of the Monroe Doctrine comes from Germany and France, whose much needed expansion is arrested by its "fiat." Germany, France, Spain, formerly England, and now Italy, are in constant warring operations to hold their seizures of the blazing and blasted deserts and deadly jungles of Africa. Would they hesitate long if an opening offered for a "scramble" for the

luxuriant regions and virgin wealth of Latin America? An English writer in the *Nineteenth Century Magazine*, December, 1896,—the time of the first Venezuela squabble,—speaks cynically of the alluring possibilities in what he calls “a scramble for South America,” and avers “if it once begins, neither the latent resources nor the moral influence of the United States will avail to protect its clients without the display of effective military strength.”

Again an English writer, Mr. Somers Somerset, in the same magazine, for April, 1903, at the time of the later Venezuela troubles, defines the “new economic necessities” which look toward Latin America for a solution, and says:

In proportion as the available surface of the earth that is suitable for colonization decreases, it becomes more and more evident that not only is there no time to be lost in founding an empire, but that the price which a people may be able to allow itself to pay for the acquisition of that territory is greatly rising. The constant pressure of the peoples of Europe, the commercial struggle, and the natural desire for national aggrandizement are bound to be powerful factors; and the consideration of “now or never” will very soon mark the policy of various European chancelleries. We have already seen that the Old World offers few attractions—there remains only the New World to be considered.

The veto of the Monroe Doctrine, in the opinion of this writer, has up to this time saved the Latin American countries from European aggression; but he adds: “It must be remembered that during that time the world afforded many opportunities for colonization in other regions, and that that period is drawing to its close, and it is scarcely to be expected that a mere formula or opinion will continue to protect those countries for long.” That this is a real condition, and not a theory, is the belief of the most accredited Latin American statesmen. “The events in Venezuela,” says Dr. Juan A. García, at the time, “are not isolated facts, measures of policy, or reparation of wrongs, but the opportunity which materialized a tendency latent in Europe since the middle of the past century which in the past years has been emphasized and fortified by the new economic necessities.” This subject is treated at length and very seriously by Dr. Luís M. Drago, in a recent explanation of his action in 1902 in appealing to the protection of the Monroe Doctrine in behalf of Venezuela as against the aggres-

sion of England, Germany and Italy. His note to the United States pointed out, he says:

a danger that lay very near and aimed to forestall it. At the time when it was transmitted everything combined to inspire the greatest alarm. There was rife in political and diplomatic circles a constant agitation which was dominated, and was disseminated by the greatest newspapers of the world, the most important and best accredited reviews and the books of thoughtful men, and which pointed out these countries as the best fields for the colonial expansion of the great Powers, once the doors of Africa and the Orient were closed.

Thinkers of the highest rank have suggested the advisability of turning in this direction the great efforts which the principal Powers of Europe have hitherto made for the conquest of sterile regions, with rigorous climate, lying in the most distant corners of the world. There are also many European writers that point out the countries of South America with their great wealth, with their sunny skies and propitious climates, as the natural theater where the great Powers with their arms and instruments prepared for conquest have yet in the course of this century to dispute dominion. \* \* \* The act of coercion attempted against Venezuela seemed consequently to be the beginning of the hostilities predicted against America.

Writing about a year ago in the *English Review of Reviews*, Señor A. de Manos-Albas calls Latin America "a tempting field for expansion," and frankly states the incentives which the American El Dorado offers to the avidity of the land-grabbing expansionists of Europe:

The territorial responsibilities of the Latin American nations are greatly in excess of their respective populations. The seventeen republics from Mexico to Cape Horn, with an area of several times that of Central Europe, contain at best seventy million inhabitants, who could be comfortably housed in any one of the larger republics, leaving the immense remaining territory available for European expansion. Can Tripoli compare with the broad and fertile plains of Northern Venezuela, bordering on the Caribbean? Or Morocco with the Atlantic coast section of Colombia? Can the Congo compare favorably with the Amazon, or Madagascar or West Africa with the inner lands of Perú, of Bolivia, or of Ecuador?

The consideration of such possibilities implies no wanton spirit of alarmism. If Tripoli has been thought worth Italy's present

effort; and Morocco France's recent venture, why should not the infinitely richer Caribbean coast fare likewise? No one in his senses, surely, would outrage the Powers by supposing that their abstention has been prompted by moral considerations; their reputation is too well established.

From the foregoing, which are but a few of many similar expressions of covetous desires towards the teeming possibilities of Latin America, and of almost panic fear of overt realization, may be better appreciated the significance of the avowal of Señor Álvarez, when he frankly declares the reality of these fears and the only hope of salvation, saying:

The Monroe Doctrine, far from being a thing of the past, as some publicists pretend, is still of present importance, in the sense that it denies the existence of territories *nullius* in the American continent, territories which could be acquired through occupation by European countries.

The question, "What countries benefit by the Monroe Doctrine?" is effectively answered out of the mouths of its most authoritative beneficiaries. As the Monroe Doctrine, the traditional policy of the United States, has so far saved Latin America for the Latin Americans, so it may be a hopeful augury for them that "Monroeism persists indefinitely," as complained by Señor Calderón. But suppose that it should cease to persist. Suppose that the United States should take counsel of Dr. Hiram Bingham, and announce to the land-hungry nations of Europe: "We abandon the Monroe Doctrine." That means that we withdraw from and renounce henceforth our traditional policy to prevent European acquisition of territory and colonization in America. "All comers are welcome, and what they do or take is none of our business." Not one of those who so passionately assail the Monroe Doctrine and call for its abandonment, can for a moment ignore what would follow,—in a generation there would not be any Latin American "sovereignty" left alive in America. All honest minded men must admit, that but for the policy, be it called "Monroe Doctrine" or what not, which the United States has pursued, there would beyond all reasonable doubt be no Latin America to complain, through a confusion of ideas, of the Monroe Doctrine, and South America would have ceased to be even a geographical name, but "New

Europe" and "Yanquilandia" would have adorned the map of the Western Hemisphere even in the geographies of the past generation. But for the fateful "Thou-shalt-not" of the United States, the modern history of the world would have been very different, and what is called Latin America would have been more European than Africa is today or is ever destined to become—more English, and German, and French and Italian than North America is a composite of them all,—and civilization might not have suffered by the change.

THE CHAIRMAN. I wish to disassociate myself with the various mispronunciations of the great word which was introduced and mispronounced by Mr. Adams and which has continued to be introduced and mispronounced by each of the speakers.

In a much appreciated and highly imaginative speech, Mr. Henry Grattan, speaking of the parliament of Ireland, said: "I rocked the cradle and I followed the hearse."

If it can not be said exactly that Mr. Charles Francis Adams, who honored us by his presence two nights ago, rocked the cradle of the doctrine, the cradle was nevertheless rocked by one of his kin; and we have with us today Professor Hiram Bingham, of Yale University, who will, I opine, follow the hearse. I call upon Mr. Bingham, and with very great pleasure introduce him to you as the last speaker on this subject this morning.

MR. BINGHAM. Mr. Chairman and fellow-mourners: It was with very great pleasure that I received an invitation from your Secretary to present to this Society what I believe to be the attitude of Latin America towards the Monroe Doctrine. I have listened this morning with very great interest to a very clear analysis of the situation. Professor Hull's paper sums up in a more clear and complete fashion than any paper to which I have ever listened or which I have ever read the difficulties of the situation and of the different aspects of supporting the doctrine of peace.

If the Monroe Doctrine is nothing more than a doctrine of peace, I hope I shall never have to follow the hearse; but I fear, from what I have heard in many parts of the world, that it is something more than a doctrine of peace.

The last speaker would have us believe that Europe is held in leash

simply by our "Thou shalt not," and if we were to go back on the Monroe Doctrine or change its antiquated or time honored policy the poor lambs and mice in Latin America would instantly be gobbled up by the lion and the bear and the other animals on the other side of the ocean.

Whether that be so or not is not my privilege to discuss, for I have not been invited to do more than to present to you what I believe to be the attitude of a majority of the people in Latin America. It is quite true that there is a strong minority in Latin America, some of whom you have just heard quoted, who are in favor of this doctrine. It is equally true that there is a minority of people in this country who are opposed to the doctrine.

#### THE LATIN AMERICAN ATTITUDE TOWARD THE MONROE DOCTRINE

ADDRESS OF HIRAM BINGHAM,  
*Yale University*

There is a feeling among some of those who are firm believers in the Monroe Doctrine that we are in danger of misrepresenting the Latin American attitude toward this doctrine, and of exaggerating its importance.

An instance of this occurs in the Baltimore *Evening Sun* of April 7, where a lawyer who had previously addressed the American Academy of Political and Social Science writes as follows:

It has become of vogue in recent years among a certain class of oracular school men and scholastic statesmen in the United States, who take no account of the lessons of history, and ignore the plain facts of the present, to decry and condemn the Monroe Doctrine, thus giving aid and comfort to its detractors abroad and fomenting the misunderstanding and ill will of which they claim it is the cause in our international relations. Conspicuous examples of the anti-Monroe Doctrinaires who add fuel to the otherwise innocuous flame of hostile criticism are Prof. Hugo Munsterberg, of Harvard, who decries "the error and folly of the moribund doctrine"; and Prof. Hiram Bingham, of Yale, in whose booklet, which he dubs "The Monroe Doctrine, an Obsolete Shibboleth," he compiles and magnifies every hostile criticism that he can gather from alien tongue and pen.



To magnify every hostile criticism which can be gathered from alien tongue and pen, is undoubtedly a mischievous and inexcusable performance. If true, it justifies this lawyer in his characterization of those who condemn the Monroe Doctrine as "aiders and abettors of 'those whose interests it is to promote discord between the countries of Latin America and ourselves.'"

On the other hand, if it be true that our most sacred foreign policy, known as the Monroe Doctrine, is, in the words of a recent member of the Argentine National Congress, "hurting your country, and hurting it badly," it seems to me essential to call vividly to the attention of my countrymen the attitude toward the doctrine which I have found to exist in considerable measure in Latin America.

Did I believe that this were likely to promote discord between the other American republics and ourselves, I should regard a discreet silence as the better part of valorous patriotism.

For many years it has been the object of a large part of my work to promote closer and more intelligent relations between the United States and the South American republics. I am a firm believer in the truth that international friendships, in order to be lasting, must be built on an honest understanding of prevailing conditions, racial tendencies and current opinions, and it seems to me that in no way can I endeavor to promote harmony between ourselves and the countries of Latin America better than by presenting to the American Society of International Law what I believe to be the prevailing Latin American attitude toward the Monroe Doctrine.

So far as "magnifying" these hostile criticisms is concerned, if calling attention to them and giving chapter and verse for their occurrence is magnifying them, then I plead guilty to the charge. But if magnifying them is understood to be exaggerating their importance, or overstating their meaning so as to depict extravagantly the feeling they represent, then I plead not guilty.

In the following paper, I have endeavored to portray this attitude by giving, first, reports brought back from South America by scientific travelers and other trained observers; second, editorial opinions gathered from representative journals and newspapers in several South American countries; and third, quotations from the writings of various leaders of Latin American thought, including the presidents or ex-presidents of three Latin American republics.

The opinion of travelers is likely to vary in accordance with their familiarity with the countries they have visited; with their official position; and according to their ability to secure informal expressions of opinion from new friends and acquaintances.

In talking with many who have returned from the southern continent, and in reading the press despatches of interviews with others with whom I have not talked, I have noticed that those who report a favorable attitude toward the Monroe Doctrine are either visitors who, owing to their official position, have not had an opportunity for getting at the undercurrents of thought, or representatives of expositions or advertising agencies, or others whose business it is to find friendship and to record only friendly impressions; or superficial travelers who have not succeeded in getting below the surface. As I have traveled in South America in both official and unofficial capacities, I can realize perhaps better than the average person the extent to which Latin American courtesy carries itself when it desires to do honor to the representative of a friendly nation. Wherever and whenever it was known that I was an official delegate of the United States Government to the Pan American Scientific Congress, everything unpleasant and everything that would tend to spoil the pleasure of my official journey was eradicated, so far as my generous hosts could accomplish it. Naturally, they rarely, if ever, offered any criticism whatsoever of the policy of the United States Government. This may explain why some distinguished and well advertised visitors have failed to find that marked hostility toward the Monroe Doctrine, which, while traveling as a private citizen, I have found exists in many parts of Latin America.

For example, I doubt very much whether a certain patriotic Argentine with whom I got on very friendly terms in 1908, who lost his patience entirely when I asked him if he did not think the Monroe Doctrine was a good thing, and with more vigor than courtesy shouted, "Damn the Monroe Doctrine!" would have allowed himself to go so far had he been talking to ex-President Roosevelt or to Mr. Bryan or to Mr. Bacon, or any other of the distinguished American statesmen who have visited Argentina within the last decade. The Latin American is first and foremost a gentleman of culture, who regards it as one of his primary duties to be courteous to his guests, and unstinted in his praise of their country, family, and possessions. It is a delightful

trait, even though it often leaves a wrong impression in the guest's mind.

Within the last two years, three friends of mine, college professors, who belong to the class referred to above as "oracular school men and scholastic statesmen," have taken extended journeys through South America, independently of one another, and in somewhat different sections of the continent. They all found the same thing, namely, that the individuals with whom they talked, provided they could get on fairly friendly and intimate terms with them, were hostile to and critical of the Monroe Doctrine. One of these, Professor Blakeslee, of Clark University, has taken pains to put his experiences in the form of an article in the *North American Review*. Let me quote the following paragraphs from it:

"We don't want any Papa," was the reply of a prominent Chilean when asked for the attitude of South America toward the Monroe Doctrine. This well expresses the feeling of the continent as a whole. The people believe that it makes Uncle Sam a stepfather over their republics, who not only guards them from Europe, but watches their important acts and often tells them what they may and may not do; and this interference is universally resented.

The editor of the leading newspaper in Chile, Dr. Perez Canto, who is also an experienced diplomat, holds the same idea. "The Monroe Doctrine," he writes "implies a moral subordination to the United States which is repulsive to the national feelings of the young republics." A professor of one of the prominent universities said, in conversation with the writer, that the Monroe Doctrine was generally interpreted by South Americans to imply a guardianship over their continent by the United States; he believed himself that it established the relation of elder brother, but, he added, if the elder brother keeps telling the younger what he must do, it naturally makes bad feeling between them. A member of the Peruvian Foreign Office remarked the past summer that the United States had better forget the Monroe Doctrine and treat the South American countries as equals; this would do most to make the relations between the two sections cordial. That people in Brazil resent the Monroe Doctrine as an insult is the testimony of a person closely connected with the diplomatic corps in that country:

"It is the same as telling South America that it is not able to take care of itself. It is like a house-owner who

comes to the home of another, and publicly announces that he will protect it against robbers. He does not even have the excuse of being a neighbor, and naturally receives the indignant reply from the man whom he wishes to defend, that he is abundantly able to look out for his own property himself."

Only a few weeks ago the Valparaiso *Dia* asked, "Why does the United States arrogate the power of exercising tutelage over those countries whose inhabitants speak the Castilian tongue in the continent of South America?"

Such quotations as these are typical of the general feeling of the people.

But still more unfortunate is the conviction of many that the Monroe Doctrine threatens eventual conquest of their continent by the United States. That this view is widely held was stated again and again, in frank, confidential conversations with the writer, by representative men of the several republics. A number of them added that the expression, "America for the Americans," which is supposed to paraphrase the Monroe Doctrine, is believed by a large proportion of the people of South America to mean "America for the United States." "Sixty per cent of our educated people," said a Brazilian who knows North America well, "distrust the United States, and believe that the Monroe Doctrine is simply preëempting territory which the United States wants, until it is fully ready to sieze it."

Professor Ford, of Harvard, has similarly expressed himself in no uncertain terms. Professor Bowman, of Yale, who has made three journeys to South America, has often assured me that he found practical unanimity of opinion on the subject. He has, furthermore, frequently spoken of the difficulty of getting at the real Latin American attitude toward these things, and has related experiences with acquaintances, who at first were reticent about expressing adverse criticism of his government, but, after they got on terms of friendly equality with him, and found that they might speak frankly without giving offense, did not hesitate to voice that attitude of hostile criticism towards the Monroe Doctrine which exists to such a wide extent.

Now, these three "oracular school men" were all intent on discovering the truth without regard to consequences. That is their business as scholars and scientists. They have nothing to gain and everything to lose, so far as their scientific reputation is concerned, by magnifying this attitude of the Latin Americans, or distorting it in any

particular. Their testimony deserves to be received at its full value.

Furthermore, it is substantiated by the testimony of nearly all of the business representatives of prominent American export houses, who are familiar with South America. The present head of one of the largest corporations in the country said to me not long ago:

I have been on the west coast four or five times, and on the east coast fully as often, and as soon as I sail from New York, I try to forget all about the Monroe Doctrine, and never mention it if I can possibly help myself. It only does harm to our business. They all dislike it down there.

Viscount Bryce, who has repeatedly given evidence of being remarkably well qualified to sense a situation accurately even while traveling rapidly through a new country, says in the last revision of his well known book on South America:

- The talk often heard in the United States about the doctrine has injured and is injuring her influence in South America. It excites suspicion and alarm. It is taken to imply an intent to claim a sort of protectorate over the other American republics, than which nothing could more offend Spanish American sentiment.

As regards the original object of the Monroe Doctrine, Mr. Bryce says the Latin American attitude may be expressed as follows: "Since there are no longer rainclouds coming up from the east, why should a friend, however well intentioned, insist on holding an umbrella over us? We are quite able to do that for ourselves if necessary."

The opinion of foreigners living in Latin America substantiates the reports of travelers. A Harvard man, who has lived for three years in Latin America, writes:

My idea is that what is most needed is to put ourselves in the proper light towards the South Americans. My feeling is that they distrust our good motives too much, and are afraid to have too much to do with us, either in a business way, or any other manner.

A distinguished North American civil engineer who has spent most of his life in Spanish America and has lived in four different repub-

lics, a man of standing, whose name, were I permitted to use it, would be recognized as that of one well qualified to know whereof he speaks, and one not accustomed to speak hastily, writes:

The two principal results of the Monroe Doctrine are: intense hatred of the United States on the part of powerful and self-respecting South American nations, able and willing to meet their responsibilities to the countries to whom they are under obligations; and an attempt at evasion of these responsibilities by other Latin American countries, who, while using the doctrine where they think they can for such a purpose, equally hate the originators of it.

Many foreign residents in Latin American countries, with whom I have talked personally, have used similar expressions, and all agree that "Monroeism," as it is called in South America, has come to mean to the Latin American mind, interference, intervention, tutelage, and patronizing insolence; a connotation that does us infinite harm. The testimony of unbiased travelers tells the same story.

In the second place, what do the South American newspapers say editorially? Not many months ago, *La Prensa*, possibly the leading newspaper in Argentina and certainly one of the most powerful in South America, devoted considerable space to a discussion of the Monroe Doctrine in particular relation to recent international difficulties. Said *La Prensa*:

Whatever the dominating opinion may be in the United States, it is evident that the situation created takes its origin in a mistaken notion as to the sovereignty of the South American nationalities. The tendency toward intervention \* \* \* which is manifested more or less frankly, would not exist if there were dominating in the public opinion of the great republic of the north a proper sentiment of respect, complete and without reservation, for the integrity and the international standing of the Pan American states.

Unfortunately, this attitude seems to be justified by the speeches of some of our statesmen, and by such American editorials as the following, taken from the *Outlook* of January 3, 1914:

The subject of the foreign debts of Latin American states has to do with the Monroe Doctrine. If we are going to maintain



that doctrine—as we always have done and as we always shall do—we must see that financial order is also maintained in the Latin American states. We say in the Monroe Doctrine that European Powers must not colonize or take land on the American continent. We can not take this position unless we are prepared also to say to them that we will see that the rights of their citizens or subjects are protected in the countries affected by the Monroe Doctrine. In other words, we can not sustain that doctrine and play the part of the dog in the manger. We must maintain the independence and stability of government in the American Republics. \* \* \* To maintain the Monroe Doctrine we must see that order is kept in the Latin American republics, so that their interests, our interests, and the interests of other countries there may be protected.

As the *Outlook* is known to have on its board of editors a former president of the United States, such editorial statements as this, that the "subject of the foreign debts of Latin American states has to do with the Monroe Doctrine," and "to maintain the Monroe Doctrine we must see that order is kept in the Latin American republics," are capable of doing us infinite harm and give rise to much hostile criticism.

No wonder Professor Vicente Gay, an ardent Hispanist, writing in *España Moderna*, speaks of what he calls "the *violent* policy of the United States against Latin America," and declares that this policy "has called out a cry of indignation in Spanish America." No wonder he preaches with all the force which he possesses the doctrine of Latin American confraternity, and urges a defensive alliance as an escape from the necessity of submitting to the will of outsiders, and of being crushed in disputes occasioned by international intrigues. In the present state of public opinion in Latin America, such remarks are received most sympathetically.

The most powerful paper in Chile, and one of the trio of great South American journals, is the *Mercurio* of Santiago. Shortly after Mr. Roosevelt's visit, the *Mercurio* said editorially "with respect to the Monroe Doctrine, the question of its being regarded with approval or disfavor depends on the multiple and various applications of it which the statesmen of the United States have made." It is easy to see what this means, and what confusion exists in the minds of the best posted of the Latin Americans when one compares the friendly language of President Wilson's Mobile Declaration with the highfaluting

jingoism with which the present Speaker of the House of Representatives has, since then, referred to the Monroe Doctrine in recent addresses in Brooklyn and New York. Such remarks as he is reported to have made on those occasions, and which have been widely disseminated by the newspapers, are of the kind to give rise to the most sincere sentiments of regret and apprehension among friends of the United States in Latin America.

A still broader aspect of the question is taken by an editorial writer in the *Probleme Mondial* of Rio Janeiro, in December of last year. In view of the fact that many Americans still feel that it is important to maintain the old form of the Monroe Doctrine, even though the later applications of it may tend too much toward intervention and international impertinence, it is interesting to see that this editor actually attacks first principles. He says that most of the American nations have now no reason to be greater friends of the United States than of the states of Europe.

Nor have they more reason to make recognition of the friendship and services of the United States than of those of any other nation. By race, by interests, by civilization, by culture, by the frequency of intellectual, economic and financial relations (the Latin American nations) regard with a far more lively sympathy those people within the borders of the continent of Europe than those within the coasts of North America.

When one looks at the prevalence of political corruption, at the abuses of capitalism, and at the evils of economic expansion, they have nothing less to fear from the United States than from Europe.

It is absolutely necessary to banish from our minds the idea of American solidarity as opposed to Europe and in antagonism to her polity, or divorced from her aspirations and destinies. \* \* \*

The problem of political liberty that was proposed by the thinkers of the XVIII century has been solved in nearly all of the European countries, or else a solution is in course of being reached; \* \* \* in this régime of liberty, with the multiplication of instruments of commerce, the interplay of national forces has so increased that the distinctions of nationality are becoming effaced little by little in the woof of constant intercourse between individuals and associations.

Such sentiments as these are not surprising when one realizes the fact that the largest cities of South America are geographically nearer

Europe than the United States; that the more important countries are being rapidly filled with European immigrants, including several million Italians, Portuguese and Spanish; that their enterprises have been financed with European capital, including British investments of one billion pounds sterling; and that their well-to-do classes regard Paris and not New York as their Mecca.

It seems to me that it is because we wilfully blind ourselves to the enormous changes that have taken place in South America since the pronouncement of the Monroe Doctrine, when there were neither European investments nor immigrants, that we fail to appreciate the point of view of Latin America. "None are so blind as those who will not see." However much we may wish to keep "America for the Americans," thanks to cheap and rapid transportation, the Europeans of today are the Americans of tomorrow. Since 1823, owing to the development of steam and electricity, and the extensive use of inventions connected with such relatively new products as steel and gasoline, the world is being bound closer and tighter together. Owing to the progress of mechanical invention, we have come to a point where, in the words of the late Professor Summer, the Monroe Doctrine, or "the doctrine of the dual political organization of the nations of the earth," is actually a "barbaric stumbling-block in the way of enlightened international policy."

The present president of Argentina, Dr. Saenz Peña, in reply to an orator who cried "America for the Americans," quietly retorted, "In Argentina, we say *America for humanity*." Must we be taught a broad way of looking at things by our brothers to the south, or are we ready to realize that in this era of ocean greyhounds, airships, and wireless telegraphy, a dual political organization of the nations of the earth is an anomaly?

This brings me to the final aspect of my case, namely, the Latin American attitude toward the Monroe Doctrine as expressed in the writings of leading Latin American statesmen.

We have recently been notified through the press that the first volume of the writings of President Saenz Peña, which has just been published, is devoted partly to a discussion of the Monroe Doctrine, to which he is strongly opposed. He says, among other things, that it is not merely an absurd and interesting anachronism, but also that it is capricious, and so elastic that he would call it the "gutta percha

doctrine." He further declares that it is one of the causes of the enmity of the Latin American people toward the United States. These words, coming from the actual president of the most powerful and the most advanced of the Latin American republics, are not to be gainsaid; and can hardly be waved aside as "the innocuous flame of hostile criticism," particularly as they are substantiated in the speeches and writings of other prominent statesmen.

Sr. Suarez Mujica, Chilean Minister to the United States, in a letter to the *Washington Times*, dated December 24, 1913, although disclaiming any unfriendliness on the part of his government toward the Monroe Doctrine, goes on to say:

The fact that the Monroe Doctrine is regarded with greater or lesser sympathy in Chile and in the other South American countries, proceeds undoubtedly from the circumstance that the sense and the range of the declaration of Monroe have been so multiplied and enlarged that today it is difficult, in the judgment of the man-on-the-street, to discern exactly what is understood by that doctrine. Furthermore, as a consequence of this confusion of ideas, public opinion, as well in the United States as in the rest of America, has come to charge to the account of this doctrine all the manifestations of international police power on the part of the United States, in so far as they appear, or are presumed to be, contrary to the interests of the other American republics. In this manner, every incident which hurts the national susceptibilities of any one of the other countries produces, *ipso facto*, a rebound of strong feeling against the Monroe Doctrine.

This frank admission on the part of a Latin American diplomat in Washington, who was, at the same time, endeavoring to explain that his government had not declared itself officially as opposed to the Monroe Doctrine is highly significant.

In a similar vein, another tactful diplomat, Dr. Oliveira Lima, who is favorably known in the United States as an eminent Brazilian historian, in his book on Pan Americanism, writes: "The Monroe Doctrine was invariably in its earlier stages a selfish policy," and while admitting that it was a useful instrument to the whole continent, so long as it did not undergo alterations, implies that it ceases to be useful when it becomes "an arm of guardianship," as so many American statesmen and editors seem to regard it at the present time.

Sr. Policarpo Bonilla, formerly president of Honduras, in a recent pamphlet, says that ever since our first war with Mexico, "the Monroe Doctrine instead of being considered as a guarantee of independence by the Latin American countries, has been regarded as a menace to their very existence." He continues:

Lately the Spanish War, begun in the name of humanity and civilization, ended in material gains for the United States, with the acquisition of Porto Rico and Guantanamo Bay in Cuba; and that induced Latin America to believe that this country was still seeking new territorial conquests, which was a new source of discredit for the Monroe Doctrine. Later, in 1904, the President (Roosevelt) declared that the United States had the right to assume the rôle of international police in Latin America; and so deeply wounded the pride of the other nations, that the doctrine invoked in that declaration was made odious. \* \* \*

He refers to other unfriendly acts of ours, and continues:

All that has also been done while invoking the Monroe Doctrine. Such precedents have produced a state of public opinion, that the simple mention of that historical doctrine in regard to the international relations between this country and others of this continent, makes them consider it as an offense to their dignity and its sovereignty, and at the same time as a menace to their independence and other vital interests.

The president of another republic, and one who has traveled widely throughout Latin America, Dr. Rafael Reyes, ex-president of Colombia, in an article recently published in the *New York Times*, says that if we would eradicate the evils of the past, there must be a wider recognition of the fact that the relations of the United States with the Latin republics are those of a friendly, powerful neighbor; with no other objects than the advantages to be gained from the ties of sisterhood and the extension of commerce. There must be no "big stick," and no such use of the Monroe Doctrine as to make it an instrument of terror to the smaller republics, and a subject for ridicule in the greater countries of the south.

The more advanced Latin nations appreciate and sympathize with the benevolent designs and objects of that doctrine, as is shown by the formulation of their own doctrine [the Drago Doc-

trine], intended to protect the smaller states against the employment of armed force by foreign nations for the collection of contractual debts. But they resent the spirit of domination and tutelage which implies that they need the protection of the United States against foreign aggression.

In the mind of the Latin American, the words "Monroeism" and "imperialism" have become so intertwined that his natural feelings in regard to the preservation of his country's independence explains his attitude toward the Monroe Doctrine in its present form. But in addition to this, his relations with Europe are so friendly, so cordial, and so much closer than his relations with us, that his attitude toward the original doctrine is frequently to regard it, in the words of President Saenz Peña, as a "ridiculous anachronism."

Dr. W. Tello, of Buenos Aires, has written an open letter to the Director of the Pan American Union in which he gives an exposition of views which he believes to be those of a majority of the population of Argentina, and of all the other states who refuse to rally to the cry of imperialism. This writer is not opposed to a Pan American Union, *provided* that it does not have for its fundamental basis, imperialism and the Monroe Doctrine.

Another Argentine writer, Sr. Wilmart, writing in the *Revista Argentina de Ciencias Políticas*, last year, expressed even broader views. In calling attention to the fact that the Monroe Doctrine was evolved when American opinion did not have much weight in a world that was ruled by the great European Powers, he points out that we entered at that time into an international period of "two humanities," and that we are still in that dual period to a certain extent. But he continues: "Economic and sociological tendencies are now bringing us to hold the opinion that there is only one world on the surface of the earth." "The international world, a unity, a new entity, is building itself up around The Hague. There will triumph the era of peace. But Monroeism makes for us, there, *escaños* (things which do us no good, but do harm to, and offend, others)." Dr. Wilmart continues:

The phrase "America for the Americans" serves to bring us along the road to another phrase, "The land and the sea for the world." The great Powers will accept that, for it is just, and the evils of unstable European equilibrium will disappear in a world-wide equilibrium.



These are fine thoughts, and high-minded ideas. They represent the best thought in South America. They are based on a broad outlook, and on a recognition of the progress of civilization.

Finally, let me call attention to a remarkable address made by Don Marcial Martinez, the "grand old man" of Chile, when he was selected by the University of Santiago to represent his countrymen in welcoming to their midst ex-President Roosevelt. Some misunderstanding has arisen from the fact that it was reported that, as Dr. Martinez's speech had been submitted beforehand to the Chilean Foreign Office, it therefore expressed the opinions of the Chilean Government. It has been pointed out by Sr. Suarez Mujica, the Chilean Minister at Washington, that the Chilean Government would hardly take this means of expressing its opinion on the Monroe Doctrine, and I do not desire to give that impression at the present time.

The fact remains, however, that Dr. Marcial Martinez is respected and admired by a large proportion of the most intelligent men in Chile. He was honorary president of the organizing committee of the first Pan American Scientific Congress, and is a scholar who has traveled widely, and was educated in part in the United States. Personally, I happen to know that Dr. Martinez is proud of having received the honorary degree of LL.D. from Yale University, given him in 1882 when he so ably represented his country in the United States. Dr. Martinez is very friendly and well-disposed toward this country. His opinion and his attitude toward the Monroe Doctrine may be taken as representative of a large body of the most intelligent men in Latin America, who are not influenced by any personal animosity, and to whose opinion we should listen with respect. Dr. Martinez's opinion of the Monroe Doctrine was expressed in the following words (which are said to have irritated his most distinguished auditor extremely):

My opinion, frankly stated, is that the Monroe Doctrine *lived*; that is to say, has now ceased to exist. It is an antiquated document, and the supposition that it is actually in force is a glaring anachronism.<sup>1</sup> The social and economic conditions, the political, and even the ethnological conditions of 1823, have absolutely disappeared, and it is not possible, without incurring a charge of

<sup>1</sup>The Spanish original is couched in peculiarly vigorous language:

"Mi opinion, francamente manifestada, es que la declaración Monroe vivió, es decir ha dejado de existir. Es un documento anticuado, y el suponerlo vigente es un chocante anacronismo."

manifestly dodging the issue, to pretend to apply to the present time a system which is, as a matter of fact, extinct and superannuated. Many years ago, I expressed these same ideas in an article published in *El Diario Libertad Electoral*. I do not know whether anyone else has spoken before me so fully on this subject, but many have given me to understand, with more or less exactness, that they think in the same way.

A month later, in the *Mercurio*, Dr. Martinez gave freer expression to his ideas in regard to the Monroe Doctrine as follows:

That doctrine has been explained, diversified, distorted, and falsified at the pleasure of idealistic writers and of politicians. In these days, it is proposed to abuse Monroeism by making it produce results precisely contrary, opposite, and antithetical to those which President Monroe clearly contemplated. That which now is desired is that the United States, either alone or in league with other American Powers should, with the approbation of the European Powers, be able to intervene, without calculating how far intervention might carry them, in all the disturbances which occur in this hemisphere. To this new political theory, they (*i. e.*, "T. R." *et al.*) pretend to give the term Monroeism, by a gross euphemism. This is not only undignified, but absolutely laughable, and it is difficult to understand how persons who consider themselves to be statesmen can wish to take part in such a comedy before the world!

To this new policy we can give no other name than that of imperialism or hegemony. I should call it Napoleonism. It is deceitful trickery to suppose that the personal and unilateral declaration which President Monroe made in contemplation of circumstances and facts which he mentions clearly in his message with relation to the year 1823, ought to be of permanent effect, in view of the absolute transformation which has taken place in all of the factors, not only active but passive, which produced a century ago those international personalities which are called the Latin American republics; factors, which in so far as they concerned the Holy Alliance, passed with the death of Metternich into the realm of legends.

Far be it from me to place any obstacle in the way of the expansion and increase of the colossal nation which is called the United States. But for the universal interest as well as for its own, I desire that things should be called by their right names; that we should have in America fair play; that nobody should be cheated by juggler's tricks; and that progress shall be sought by the right road, and by one which leads really and sincerely to equality among nations. \* \* \*

Finally, the embossed Monroe Doctrine is, to my mind, represented by a large medal on whose obverse may be read the simple an ingenuous declaration of the noble President James Monroe; but on whose reverse one may decipher something of the aspirations and projects, not yet well defined, of the propagandists of the imperialism and the Napoleonism of the United States in this hemisphere.

These words of Dr. Martinez, written as they were by a distinguished and friendly diplomat, well acquainted with history and politics, and deemed worthy of being selected as the spokesman of his country in receiving its most distinguished visitor, deserve to be given most serious consideration. They effectively pierce the armor of quibble and equivocation which some are endeavoring to use in defending the moribund doctrine.

When I first went to South America, I was a firm believer in the Monroe Doctrine. Later I came to feel that it should apply only to malarial regions. Now, after having visited nearly all of the republics, and having spent over two years on four journeys to that continent, and nearly fifteen years in the study of South American history, politics, and geography, it is my profound conviction that, since the attitude taken towards the Monroe Doctrine by a majority of the intelligent and thoughtful citizens of our sister republics is one of hostile criticism (frequently veiled, but actually existing; sometimes active, and always latent), we owe it to ourselves to abandon this doctrine of American intervention.

At its best, the Monroe Doctrine represents an attitude of constant suspicion on our part. Such an attitude is not consistent with international good will. We have arrived at the day when the two hemispheres no longer stand at variance. The hostile attitude of many of our South American friends toward the doctrine of the dual political organization of the nations of the earth deserves to make us pause and consider whether it is the part of wisdom for us to continue to maintain as an integral part of our foreign policy this out-worn and obsolete doctrine, which has for so long been a national shibboleth.

Unless we are prepared to take the consequences of declaring that the Monroe Doctrine is a wholly selfish policy, maintained entirely for our own immediate interests, and without regard to its effect on our standing among the nations, it seems to me that the time has come when our policy toward the Latin American nations, commonly called

the Monroe Doctrine, should be materially altered and brought into line with modern progress; should be, in fact, so materially altered that the words "Monroe Doctrine" can no longer apply to it; and that this occasion of stumbling in our international relations shall be removed.

The CHAIRMAN. We have now finished the printed program, but we still have some time left, if it be your pleasure to discuss some of the very interesting and important questions from the floor.

If I may paraphrase Dr. Martinez's statement by a single quotation—we are living in an atmosphere of classicism in the last two or three days—*Ilium fuit!* Is there any gentleman here who would like to revive the corpse or to scatter flowers upon the bier?

Mr. CHARLES J. HERRICK. Mr. Chairman, I rise to take my stand by Mr. Wheless and to dissent respectfully from the utterance of the last speaker. Holding, as I do, a diploma from Yale University, might I venture to say, brilliant though he is, he does not voice exactly the general sentiment of that great institution. I decline, sir, to join in the funeral procession which he leads. He stood alone, a solitary figure, mistaken in his belief that the hearse contains a corpse. He brings back to my memory a song of undergraduate days—

Then Pat Malone forgot that he was dead.

He rose up in his coffin, and he said:

"If you dare to doubt my credit,

You'll be sorry that you said it.

Drive on, or the corpse will punch your head."

Now, Mr. Chairman, I presume that we were brought here for a purpose. We are all educators. We came here to get an inspiration. We are going back to bring something to our students. We have heard brilliant papers from some of the great men of the country. We have listened to the utterances of the foremost educators and laborers in our great institutions. It seems to me, however, that the public policy of the United States can be summed up in a very few words, whether you call it the Monroe Doctrine, or what not.

We say to the great countries of the old hemisphere: "You shall not extend your power to this country." We say to the countries south of us, "Your national conduct in foreign relations must conform to

the standards of the great Powers of the world, and of that we shall be the judge."

Gentlemen, that is an attitude of defiance toward the Old World domination. We cannot take that position and stand the risk of our challenge being accepted unless we are prepared for war.

I am surprised, coming down to Washington at a time when our country is engaged in hostilities, to hear mere platitudes. We are taught in our law schools that no right exists unless there is a remedy. How dare we enunciate such principles unless we stand prepared to enforce them? We borrowed our foreign policy from Great Britain, and from that time down to this we have depended for its enforcement upon the moral support of Great Britain backed by her battle-ships. I would go back to my students in my law school, and I would tell them that our nation's policy, enunciated and enforced by all our great statesmen, by all our Presidents in the last century, is America for Americans. It is vital; it is growing today; it is not a dead issue. I would say to them, "You must go forth as missionaries among the people of this country; you must teach democracy in the nation. You must teach them that the loftiest patriotism compels us to establish and maintain a navy that can challenge the defiance of any combination of naval Powers that may come against us." Our national representatives should learn that it is the demand of their constituents that our national income should be conserved; that it should be diverted from the "pork barrel" to be consumed by hungry politicians, and converted into honorable channels of national welfare. For it is in this way only, with an invincible navy, that we can dare to proclaim the Monroe Doctrine and still maintain peace on earth and good will among the nations.

Mr. DEXTER PERKINS. We have heard a good deal in this discussion of European aggression against South America, and the statement has been made more than once that the original message, Monroe's famous message of December 2, 1823, did prevent such European aggression against South America.

I have been engaged in the course of the last two years in seeking to find out just how true that statement was. I have come to the conclusion that it rests, after all, on no basis of fact. I have studied and worked in the archives of Paris and St. Petersburg. I suppose it is to be presumed that it was Russia and France who were most feared

in 1823. I find neither in the dispatches of the Russian Foreign Office nor in the dispatches of the French Foreign Office any tangible signs of an intention to interfere against the independence of the South American states.

I find more than that. I find that in the case of France there was a clear, unmistakable attitude on the part of the French Minister not to intervene to re-establish absolutism, but, on the other hand, to recognize the independence of the Spanish colonies.

With regard to Russia, the same facts applied, though in a less degree. Emperor Alexander had always given the most sympathetic treatment, but with France always refusing to commit herself in any way to enact a policy, with, as a matter of fact, the Austrian Chancellor counseling moderation and non-intervention in the affairs of England, Czar Alexander could do nothing. I find no evidence that he ever formed a complete design against the Spanish colonies.

I will go further, if I may, and discuss just a moment the question as to whether the Monroe Doctrine did influence in any degree the policy of the European Powers on the question of the Spanish colonies. It is a familiar fact that the Powers intended to have a congress with regard to the matter. Just what policy that congress would have adopted it is hard to say. There was no concrete policy in mind, I repeat; no policy of intervention. But it is sometimes stated that that congress was prevented by Monroe's declaration. As to that, too, I must express my opinion that such was not the case. From the very origin of this project of a congress, the European Powers never intended to include the United States. The Monroe Doctrine produced no change in their attitude; indeed, it only increased their confidence that England, angered by the radical tone of the message, would lend her efforts to a joint deliberation of the colonial question, and the project for the congress was more alive and active in January, 1824, after the message had reached Europe, than it was in December, 1823. If it failed, it failed not because of the attitude of the United States, but because of the attitude of England.

Finally, the message was directed against the extension of the monarchical system to the new world. Did it have any effect with regard to that question? Again my answer is no. It was, in the course of 1823 and again in the course of 1824, a vague scheme in the minds of the French ministers to establish—just how we can not be sure, probably by mediation,—but at any rate, to establish in the new



world Bourbon monarchies under princes of the Spanish Royal House. It was favored not by active means, but at least in theory it was favored by every great European Power in 1824, whereas France alone had espoused it in 1823. It failed because of the obstinacy of the Spanish king. Ferdinand was always opposed to any sort of compromise with his enemies.

I speak of this question simply because it seems to me we have possibly overestimated the efficacy of the Monroe Doctrine in preventing European aggression in America; but some of these statements which we regard as applicable to the situation in 1823 may, after all, have a little bearing on the situation in 1914.

Mr. HOYNES. I am not at all particular about making any remarks on the subject, but inasmuch as there has been some contrary feeling I thought I would like to give expression to my feelings, but I shall not occupy more than two or three minutes.

The CHAIRMAN. Would you be good enough to step up and face the enemy, as it were?

Mr. HOYNES. Mr. Chairman and friends: With regard to this subject, I must state that I have listened with great interest, pleasure and profit to the papers of Professor Hull and Professor Bingham. They seemed to me to go to the depths of the matter; and the last speaker appeared to me to have gone into the matter so clearly and definitely that he can not be contradicted.

Turning back for a moment to international law, which we assume to teach, which we are here to represent and which we are here to study so far as possible, I would state that the first element of international law was expressed more than a century ago by a writer who said that a dwarf is as much a man as a giant and a small state is as large as a great empire, and that that equality of law which we recognize as citizens must apply to the family of nations. Whether a nation be great or small, it has the same rights in international law and should not be interfered with. When we take the position of a policeman and say, "we are stronger than you and you must do as we say; you must conform to our administration of the law," we violate, ourselves, the spirit of international law. And as the matter has been discussed here, Mr. Chairman, we have had every phase of it presented. The first

speaker we heard adhered to the doctrine, but it was presented in such a manner that it has absolutely little significance as compared with the expressions of a gentleman we heard here a little while ago, who dealt with it in such a way that I do not think it is international law. I am sure it is not international law to take that view of it.

The position taken by Senator Root was: That the doctrine is not a law which reflects upon the South American states in any particular; that it is not a law or a doctrine or a policy that justifies us in claiming any rights over them; that it is a doctrine asserted and maintained for our own self-protection. But, my friends, this guarantee itself is in international law, and we need no Monroe Doctrine to assert the things that we might assert in defense of our own country. Looking back through the history of international law, we find that when any danger menaced a nation it took measures at once to prevent the furthering of it. For instance, if a nation built up an army or a navy with a view to attacking any other, the threatened nation moved to protect itself. If any menace were offered to us, no matter from what quarter, without any policy or doctrine of this kind at all, it would be our right to protest against it.

As stated by Senator Root, the right of self-defense is a harmonious thing and it belongs, under the principle of international law, to every nation. Every country possesses that right under international law. And, consequently, my friends, the question is, shall we pursue a policy that will make us appear the policemen of this continent? Shall we take upon ourselves the burden of taxation for a great army and navy, as it were, equal to that of Great Britain or Germany or to all of them, for the purpose of defending this principle, this policy which is so unimportant and which amounts practically to nothing, but which does exasperate the states of South America?

As well expressed by Prof. Bingham, the people of South America distrust us and dislike the policy. Consequently, my friends, the question is, shall we burden our country and burden ourselves with a load of taxation in order to keep up a policy that was obsolete years ago?

I believe, to be frank, that at the beginning the policy was justified in the belief, as expressed by the last speaker, that there was a danger from the Holy Alliance, and I think the policy was enunciated with a view, so far as possible, to prevent aggression from the Holy Alliance, and I think it should have ended at that time, because at this time it is entirely unnecessary and is bringing us constantly into friction with

the other nations of the world. Consequently, my friends, I think the day for expressing ourselves freely in regard to the matter has come, and I am in favor of declaring that it is no longer the policy of this country.

The CHAIRMAN. The Chairman would like to know whether you would rather adjourn or discuss. I await the pleasure of the Society.

Mr. HOYNES. I move that we take a recess until 2:30 o'clock.  
The motion was duly seconded.

The CHAIRMAN. Before taking a recess I would like, if I might, on behalf of this Society, to express the very great pleasure it has given us to welcome the gentlemen who have spoken today, and our sincere appreciation of their excellent papers.

The meeting will adjourn until 2:30 o'clock this afternoon, when the question of the recommendations of the conference of teachers of international law will be taken up and discussed.

The motion to adjourn was then put and carried.

Whereupon, at 1 o'clock p.m., the meeting adjourned.

## FIFTH SESSION

Friday, April 24, 1914, 8 o'clock p.m.

The CHAIRMAN (Dr. JAMES BROWN SCOTT). The Society is very fortunate in having with us tonight a gentleman to discuss the European attitude toward the Monroe Doctrine who is not only theoretically qualified, but who has himself resided for years in Europe, holding posts which would enable him to appreciate the thought and the feeling regarding this doctrine and its importance, which he will attempt to describe tonight.

It gives me very great pleasure to introduce to you Honorable Charlemagne Tower, formerly American Ambassador to Austria-Hungary, Russia and Germany.

### THE EUROPEAN ATTITUDE TOWARD THE MONROE DOCTRINE

ADDRESS OF HON. CHARLEMAGNE TOWER,  
*Formerly American Ambassador to Austria-Hungary, Russia and Germany*

It can scarcely be said, in seeking to determine the sentiments of European statesmen or the general trend of public opinion on the Continent in regard to the Monroe Doctrine, that there is a sufficient acquaintance with it there to make it an object of close examination or of prime importance amongst the political questions that usually call forth active interest in men's minds; nor can it be classed amongst the set of subjects which are always near the surface in European life with which every man has made himself familiar and upon which he has a decided opinion. It has its value, however, as a possible international question which may present itself under given circumstances and may call for immediate attention some day, although at present a remote contingency. And as such the Monroe Doctrine is no stranger to the political leaders and cabinet ministers of Europe. A hundred years of American statesmanship and diplomacy have sustained the principles involved in President Monroe's declaration, in the midst

of the vicissitudes and against all the obstacles which have presented themselves during that time, with such determination and such consistent vigor that there is no foreign observer or political student who does not know that the principles of the Monroe Doctrine have become an integral part of American national existence.

But from the point of view of European nations, this is not, of course, a matter likely to call forth a sympathetic attention, either in the sense of politics or of international law, because whilst its field of activity lies across the Atlantic out of the atmosphere of European life and not connected, for the present at least, with the rivalries or the varied sources of ambition or jealousy always much nearer at hand, it could not well in any case be brought into play with a spirit of friendship toward European interests; it must, from its own nature, either remain dormant or awake in opposition to some European impulse. The case can not be otherwise, for the Monroe Doctrine is in itself the political line of demarcation between the two continents; it sprang up under circumstances, which made inevitable the separation between the ruling ambitions and the national aspirations of the old world and those of the new, between the conscious supremacy of the youthful people on this side of the ocean, whose ideals were expressed by liberty and independence, and the inflexible conservatism of the older nations on the other, who still clung to their own methods of governing men.

The Congress of Vienna had restored, as it was hoped, the equilibrium upon the Continent, and had given by its definitive understanding amongst the Powers a renewed confidence that the principles of absolute monarchical government were firmly established once more upon a foundation of common interest. With the terrors of the French Revolution still fresh in their minds as a menace to the traditions upon which the authority and prestige of European government were acknowledged to depend, the Powers turned to each other for mutual support in maintaining the established system as the source of benefit to all; and to this end the Emperor of Russia, the Emperor of Austria and the King of Prussia declared that, "looking upon themselves as delegated by Providence to rule each over his own people," they would lend one another, on every occasion and in every place, assistance, aid and support, in the administration of government both internal and external, according to the precepts of "Justice, Charity and Peace." Thus came into existence by a treaty in 1815, the Holy

Alliance, to which the King of France afterwards gave his adherence. It had for its object the protection of the divine right of kings and resistance to every form of liberal thought. Its ultimate declarations defined "revolt" against constituted authority as a "crime," and set forth the "undoubted right" of the European Powers to take a hostile attitude toward those states in which the overthrow of the government was in contemplation; because they held "equally null, and disallowed by the public law of Europe, any pretended reform effected by revolt and open force." The Alliance asserted its determination, in consequence of this, "to repel the maxim of rebellion, in whatever place and under whatever form it might show itself."

Great Britain, though at first inclined to give at least tacit consent to the undertakings of the Alliance, found herself isolated very soon after the full purpose of it became known; for she could not consistently take part in a movement intended not only to reestablish absolute monarchy, but to combat all liberal ideas derived from the free will of the people, since her own government was in itself the expression of the public conscience and had its origin in revolution, even in rebellion. But to the United States the principle of the Holy Alliance was a direct challenge in all that related to the traditions of the nation and to the spirit and character of the race, trained and developed by generations of self-reliance to a point where freedom of thought had taken its place amongst the high ideals of human life; for how would it be possible to establish a more violent contradiction than that between the reactionary brute force of the declared intentions of the sovereigns by divine right, who entered into the Holy Alliance for the purpose of combined support and protection, and the unconquerable spirit of the independent people now masters in North America, amongst whom the leaders of political thought were Jefferson, Adams, Madison and Monroe himself? From this situation and from the events that were taking place about it, the Monroe Doctrine was almost inevitable. It remained only for the quarrels between Spain and her colonies to fix its point of departure.

One after another, the American colonies of Spain had revolted against the central authority at Madrid, not so much because of administrative abuses, of which no doubt there were sufficient at hand for the purpose, as from the incapacity of Spain to govern at all during the long period when the Napoleonic War not only weakened her



grasp across the sea, but tied her hands so as to prevent her from controlling even her own affairs at home. Her magnificent dominions, which the Count de Aranda had dreamed but a few years before of erecting into three or four separate kingdoms each governed by a prince of the House of Bourbon, all subordinated to the controlling power of the King of Spain, were slipping away, and, led by patriots of their own kin, had declared their independence of the Spanish Crown. The insurrection began in Mexico in 1810, under the leadership of Hidalgo and Morales; Venezuela enacted a constitution in 1811; New Granada followed under Bolivar, in 1814; Peru, inspired by General San Martin, declared itself independent, as did also Chile, the Republic of Buenos Aires and the countries of Central America. In Spain itself a constitution had been established by the Cortes, which was forcibly overthrown through the intervention of France. French troops had been employed, even in the same year in which President Monroe delivered his message, to restore absolute authority in the Spanish kingdom by securing to Ferdinand VII the advantages of that form of "justice, charity and peace" which was the declared object of the Holy Alliance in its support and strict maintenance of legitimate power and the suppression of liberal ideas wherever they were found. Encouraged by the success which he had obtained through the aid thus afforded him by France, King Ferdinand appealed to the Holy Alliance to come to his assistance in regaining control over the South American Republics, and it was decided that the representatives of the Powers should hold a conference at Paris in order, as it was announced, "to aid Spain in adjusting the affairs of the revolted countries of America."

This purpose was known in the United States through communications which had taken place several years before; for Mr. Adams, writing in 1819, as Secretary of State, to Mr. Thompson, Secretary of the Navy, had said:

It is now well ascertained that before the Congress of the great European Powers at Aix-la-Chapelle, their mediation had been solicited by Spain and agreed to be given by them for the purpose of restoring the Spanish dominion throughout South America, under certain conditions of commercial privileges to be guaranteed to the inhabitants. The Government of the United States had been informed of this project before the meeting at Aix-la-Chapelle, and that it had been proposed by some of the allied Powers that the United States should be invited to join them

in this mediation. When this information was received, the ministers of the United States to France, England and Russia were immediately instructed to make known to those respective governments that the United States would take no part in any plan of mediation or interference in the contest between Spain and South America, which should be founded on any other basis than that of the total independence of the colonies.

Mr. Canning, at the British foreign office, growing apprehensive of the turn that public attention on the Continent had taken in the direction of South America, intimated the unwillingness of Great Britain to join in the movement of the Powers toward the coercion of the Spanish colonies. Indeed England's interests had materially advanced in South America, by the extension of her commerce, which had followed upon the independence of the colonial dominions there and the consequent opening of the ports of the southern republics to foreign traffic, and she saw herself deprived of these growing advantages to her trade if those countries were reduced to subjection by their ancient metropole, under whose authority their commercial operations would once more be controlled and monopolized by Madrid. Besides this, British statesmen were evidently fearful of the somewhat dominating influence of France in the affairs of Spain, particularly since the re-establishment of Ferdinand VII and his restoration to his throne as an autocratic sovereign which had taken place through the means of French intervention. It was suspected in England that if the power of the Holy Alliance should extend itself now to the revolted colonies, as men began to think it might do, and should carry with it into them also the reasserted authority of the Spanish Crown, the obligation of Spain would have become so great toward her near neighbor and ally that King Ferdinand might feel impelled by gratitude to transfer to France, as a reward for her friendship, the island of Cuba, which Great Britain was believed to covet for herself. At all events, it did not comport with British policy that England should associate herself with the proposed movement; it appeared, on the contrary, that her government was quite ready to oppose it decisively. Mr. Rush, the American Minister in London, reported this to Mr. Adams, as Secretary of State, in the accounts which he sent home of his conversations with Mr. Canning, who referred somewhat frequently to the affairs of Spain in the course of their official and personal relations, as well as

in a confidential correspondence between them which reached its culminating point when Canning addressed an unofficial and confidential note to Rush on August 20, 1823, in which he said:

Is not the moment come when our governments might understand each other as to the Spanish-American Colonies? And if we can arrive at such an understanding would it not be expedient for ourselves, and beneficial for all the world, that the principles of it should be clearly settled and plainly avowed?

For ourselves we have no disguise.

We conceive the recovery of the colonies by Spain to be hopeless.

We conceive the question of the recognition of them, as independent states, to be one of time and circumstances.

We are, however, by no means disposed to throw any impediment in the way of an arrangement between them and the mother country by amicable negotiation.

We aim not at the possession of any portion of them ourselves.

We could not see any portion of them transferred to any other Power with indifference.

Mr. Canning suggested that if these were the opinions of the United States Government with that of Great Britain, why should we hesitate mutually to confide them to each other, and to declare them in the face of the world?<sup>1</sup>

England had arrived, therefore, though by a different course of reasoning and with an entirely different object in view, at the same conclusion with ourselves, that the overthrow of the South American Republics must be prevented, and she offered to unite her strength with ours with that end in view. Her influence at that moment was so great with the Continental Powers that there could be no reasonable doubt that Canning was right in his judgment, when he declared that if any European Power looked to a forcible enterprise for reducing the colonies to subjection, on behalf of Spain, or meditated the acquisition of any part of them to itself, such a declaration as he proposed, if made by the Governments of Great Britain and the United States, would be at once the most effectual and the least offensive mode of intimating their joint disapprobation; for it would at the same time put an end to all the jealousies of Spain with respect to her remaining colonies; and he gave it as his final opinion that "there has seldom, in the history of the world, occurred an opportunity when so small an

<sup>1</sup>Proceedings of the Massachusetts Historical Society, 1902.

effort of two friendly governments might produce so unequivocal good and prevent such extensive calamities."

The situation was a perplexing one to President Monroe, who saw in it not only the obligation of the United States to maintain their principles of free government; yet he feared to overstep the fixed line in American politics, and enter into the conflict of European affairs. "Shall we entangle ourselves at all in European politics and wars, on the side of any Power, against others," or, "if a case can exist in which a sound maxim may and ought to be departed from, is not the present instance precisely that case?" "Has not the epoch arrived when Great Britain must take her stand, either on the side of the monarchs of Europe or of the United States?" questions which, with the consciousness of his own responsibility, he had submitted to Mr. Jefferson and Mr. Madison, begging them for their opinions; and he announced at the same time: "My own impression is that we ought to meet the proposal of the British Government, and make it known, that we would view an interference on the part of the European Powers, and especially an attack on the colonies, by them, as an attack on ourselves, presuming that if they succeeded with them, they would extend it to us."<sup>2</sup> Questions which Jefferson declared were the most momentous that had ever been offered to his contemplation since that of independence. "That made us a nation," said he; "this sets our compass and points the course which we are to steer through the ocean of time opening to us." "One nation, most of all, could disturb us,—Great Britain is the nation which can do us the most harm of any one, or all on earth; and with her on our side we need not fear the whole world."

England was not, as the event proved, a participant in the pronouncement of President Monroe when it was finally made, because he spoke of his own motion and by his own authority when he addressed his message to Congress; but the correspondence with Canning shows beyond question that she was ready to join with the United States in their warning to the Powers not to lay forcible hands upon the Republics of South America, and she is to be regarded to that extent as having been a factor, perhaps a very important factor, in the formation of the Monroe Doctrine. She recognized the South American

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<sup>2</sup>President Monroe to Mr. Jefferson, 17 October, 1823, J. B. Moore, *Digest of International Law*, VI, p. 393.

states by making commercial treaties with them without great delay, and the message of the President found a cordial reception in Great Britain, having been published in the *Annual Register* with the comment that: "This coincidence of view and purpose on the part of the two great maritime Powers of the Old and New World was, of course, decisive against the further entertainment by the Allies of any such purpose as that which has been imputed to them."

But on the Continent the President's message aroused a storm of opposition, as might have been expected. A declaration coming from a government not half a century old, without prestige in the eyes of European statesmen, certainly without formidable power as against the united strength of Europe, it was spoken of with contempt and looked upon as a display of American arrogance.

No formal communication of the contents of the message having been made by the United States to the Holy Alliance or to any Power, the declaration was not considered to be international; nor was it regarded as having a legal validity that could affect the conduct of any other nation, for as a purely domestic communication to the United States Congress it was not in international law a rule that could legally affect any other country, neither was any one bound to take formal or official notice of it.

From the point of view of international law, this may be said to be substantially the conviction of European jurists and statesmen today; that is to say, that the message did not purport to lay down any rule binding on any Power, or on the United States themselves, as part of the law of nations. It did not create or offer any conventional obligation.

As a measure of self-preservation, however, the Monroe Doctrine was not, from the American point of view, without its justification by appeal to international law, precisely as the principles enunciated by the European sovereigns were justified in their own view by their participation in the Holy Alliance. It was in fact the converse of that, for, since every sovereign state has the absolute right in international law to provide for its own self-preservation and self-defence, the Monroe Doctrine had as its object the integrity of free government and liberal thought, just as the Holy Alliance was formed for the purpose of destroying liberalism and of restoring absolutism, from which the nations of the world were then beginning to escape, but in

which the allied sovereigns believed to exist all their rights and all the elements of their further existence. But it would seem, by the same reasoning, that they had themselves overstepped the limit of international law in their efforts to force upon any people a government without the consent of the governed, and Jefferson expressed his opinion that the occasion offered itself "of declaring our protest against the atrocious violations of the rights of nations by the interference of one in the internal affairs of another, so flagitiously begun by Bonaparte, and now continued by the equally lawless Alliance calling itself Holy."

President Monroe had won a complete success, however, by his announcement of the policy of his administration; the proposed intervention of the Allies was abandoned and Spain not long afterwards recognized the independence of the South American Republics by separate treaties. The United States declared to the world that "the American Continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Powers,"—and, "it is impossible that the Allied Powers should extend their political system to any portion of either continent without endangering our peace and happiness. It is equally impossible, therefore, that we should behold such interposition with indifference."

So much has been written upon this subject, and the arguments to which it has given rise are so complex in themselves and supported frequently by discussions so diffuse, as to make it unsuitable even to attempt, upon an occasion like the present, to enumerate the many volumes in which they are contained. In our effort to ascertain the European sentiment toward it in general, it may suffice perhaps to take as examples the conclusions of a few of the prominent jurists who have expressed their opinions of recent years both in Great Britain and upon the Continent.

One of the most eminent amongst them, M. de Beaumarchais, for instance, declares that the first passage of the doctrine, relating to colonization by European nations, has very little more for us today than an historical interest, because the whole territory of America is actually appropriated and consequently can no longer be regarded as the subject of European colonization; for, whilst the delimitation of the territory and the question of boundary lines may give rise to interna-



tional complications, it would be an error to declare that European states could found, at any future time, colonies in the New World.<sup>3</sup> He recalls the conditions agreed to by all international lawyers upon this point, namely, that land sought to be appropriated by a state must be *territorium nullius*, that is to say, susceptible of occupation but not actually appropriated, and the taking possession of it shall be effective, made so by the occupant *animo domini*. To these conditions, M. Beaumarchais points out, Monroe added another, in the case of European states intending to found new colonies in America, namely, the consent of the United States. As to this, another French author, M. Merignhac, asserts decisively that the interdiction of Monroe is "absolutely contrary to the law of nations," for it is not to be tolerated that one nation shall close an entire continent against the colonization of the people of other hemispheres.<sup>4</sup> So also Mr. Charles Salomon, opposing this assertion of the Monroe Doctrine, affirms that it is either "useless or abusive,"—*useless* if all the American territory is really occupied: *abusive* if it is not; because, in spite of the Monroe Doctrine, which is not a rule of international law, and has never bound any one, the taking possession by a European state of land lying in the American Continent would be a legal occupation, provided that such land should be what is usually accepted as *res nullius*. Therefore, concludes M. de Beaumarchais, the first point of the Monroe Doctrine never was of great importance and such interest as it has for us now is purely theoretical; it is contrary to the universally accepted principles of international law, for no state can modify the situation of territories which do not belong to it, and no Power has ever recognized the principle of non-colonization which the United States have sought to impose upon Europe on the American Continent.

So European jurists are almost unanimous in regarding the doctrine in all its parts, relating not only to colonization but to intervention as well, as being untenable and not binding by the accepted rules of law. Mr. Reddaway, for instance, says that the United States could not by a declaration affect the international status of lands claimed, ruled or discovered by other Powers. They might proclaim in advance the policy which they would adopt when such questions should arise, but no unilateral act could change the law of nations. He asserts fur-

<sup>3</sup>La Doctrine de Monroe," Maurice de Beaumarchais, Paris, 1898.

<sup>4</sup>"La Doctrine de Monroe, à fin du XIX<sup>e</sup> siècle." Revue de droit public et de la science politique, 1896, p. 206.

ther, in regard to the second form of the doctrine as well as the first, that it is a vague declaration of policy, and in no way a formulation of rules prevailing between states. No line or paragraph, says he, represents an addition to the body of rules prevailing between states. From the first word to the last, it is a declaration of the policy of a single Power. To derive from the whole, principles which are essentially absent from all the parts, would be contrary to reason.<sup>5</sup>

The opinions of European lawyers are hostile, then, to the doctrine from every point of law; they declare that it has never bound anyone nor can it do so, because it does not carry with it the least legal obligation which other nations are called upon to take notice of or submit to.

M. Hector Pétin, finally, in his exceedingly careful and able investigation of this subject, published in 1900, gives it as his judgment that Monroe, not being a great jurist, was not impelled by considerations of law in composing his message; that it was not the lawyer but the politician who spoke, and that Monroe kept always before him a political idea which was his constant guide; that is to say, that America, forming a separate continent of its own, has freed itself from the political system of Europe, and the measures adopted to assure peace and public order in Europe are without effect when applied to the affairs of America. Monroe did not resist the intervention of the Holy Alliance in America because the principle of intervention is wrong, but he fought it solely upon the ground that, whilst the European Powers had a right to establish the equilibrium in Europe to suit themselves, they had nothing to do with the equilibrium in America. M. Pétin, who agrees with the other European writers, that the Monroe Doctrine is false from the point of view of law, so destructively false in his view that if accepted it would tear down the structure of international law from top to bottom, describes it as a mere declaration of policy.<sup>6</sup>

And, here we touch the ground upon which our European critics meet, the point at which their judgments coincide,—the Monroe Doctrine is a declaration of American national political faith, it points out the course of action which the United States will take under given circumstances and defines the political relations of the United States Government, under such circumstances, with the other governments

<sup>5</sup>"The Monroe Doctrine." W. F. Raddaway, Cambridge, 1898.

<sup>6</sup>"Les Etats-Unis et la Doctrine de Monroe," Hector Pétin, Paris, 1900.

of the world. We may fairly conclude that this is, perhaps, as nearly as we can present it with any distinctness of form, the attitude of Europe toward the declarations of Monroe. It is not supported by law; it is the political system of the United States.

Sir Frederick Pollock clearly expressed the general opinion when he said:

The message did not purport to lay down any rule binding on any Power, or on the United States themselves, as part of the law of nations. It did not create or offer any conventional obligation. The United States, in fact, declined not long afterwards to take any steps which might be construed as a definite promise to the South American Republics. The declaration was an independent policy to be interpreted and executed by the sole discretion of the nation whose chief magistrate had declared it; and from this attitude the United States have not departed. Not that Monroe's *dictum* could have of itself any binding force on his successors. Its present importance is derived, on the contrary, from their continuous and deliberate approval. The doctrine is a living power because it has been adopted by the Government and the people of the United States, with little or no regard to party divisions, for the best part of a century. Since it is not a formula to be construed according to its liberal terms like a statute or a convention, there is no reason why its application should be limited to precisely similar facts. The question in every case is not whether the facts fall within Monroe's words, or the words of any later president or secretary of state, but whether they are within the spirit and the general purpose of the policy to which Monroe's message first gave an authentic shape.<sup>7</sup>

Solely a political doctrine, then, proclaimed as the rule of conduct which the United States have adopted for themselves, and pointing out the line of action that their government may be expected to follow under given circumstances, for the maintenance and defence of its own integrity and the support of free institutions throughout America,—this would seem to be the interpretation in Europe of the Monroe Doctrine. Its importance as a factor in the intercourse between nations, as estimated by foreign statesmen, in so far as it enters into their calculations at all, depends upon the ability of the United States to support it, by the imposing influence of their national prestige—as in

<sup>7</sup>"The Monroe Doctrine," Frederick Pollock, *The Nineteenth Century*, October, 1902.

the case of the Venezuela boundary dispute,—or by a demonstration of force if need be, as in regard to the expedition sent by the Emperor Napoleon into Mexico. The latter may be taken, indeed, as a complete illustration of the Monroe Doctrine when brought into action and effectively supported by the United States. Napoleon assured his subjects and the world, in his address to the Chamber, in January, 1866, with reference to Mexico, that, "the sole object of the Powers in intervening in that country was to secure the fulfilment of the obligations which it had already undertaken." But the United States were engaged at the time in a struggle for life at home, which was generally expected throughout Europe to end in a dissolution of the Union; the moment was favorable and the opportunity appeared to offer itself to the development of the ambitious plans of the Emperor quite regardless of the protests of the United States, because, evidently, the United States had not then and as he thought probably never would have, strength enough to interfere with him. We have the authority of M. Pétin in this connection, who declares that the Government of France intended to prevent the United States from extending toward the south and acquiring an uncontested predominance in America. The Emperor himself described his purposes in a letter to General Forey, explaining to him that "France will extend its beneficent influence into the center of America, she will create immense outlets for our commerce,—whilst the Prince who shall mount the throne of Mexico will always be obliged to consider first the interests of France, not alone out of gratitude, for he would not be able to separate himself from our influence."

"Napoleon had observed," says M. Pétin, "how fully the Monroe Doctrine was anti-European; he comprehended that the declaration of the fifth President of the United States was nothing less than a declaration of war against the Old World and he decided to show America that Europe had taken up the gauntlet."

Mr. Seward's correspondence of that time discloses the hand of a man who perfectly understood the situation that confronted him and who, keeping his attitude firm and his diplomatic intercourse entirely correct, evidently felt that he was making all that was possible out of the circumstances which he had to face.

But when the civil war at home had ended in the restoration of the Union and the Federal Government saw itself able to dispose of a

strong army of veterans both of the North and the South, Mr. Seward wrote his despatch of December 16, 1865, instructing Mr. Bigelow to inform the cabinet in Paris upon two points.

First, that the United States earnestly desire to continue and to cultivate sincere friendship with France.

Secondly, that this policy would be brought in immediate jeopardy, unless France could deem it consistent with her interest and honor to desist from the prosecution of armed intervention in Mexico; the famous despatch which was well understood to mean: "Either withdraw or fight."<sup>8</sup>

It is not to be expected from anything that has occurred since that time that any foreign nation will feel itself any more bound today than it was then to respect the principles declared by President Monroe, unless there is sufficient power in this government to enforce them; for all European writers agree that no nation has recognized his doctrine. Indeed, Mr. Roosevelt, its most determined advocate in our day, evidently had this in mind himself when he declared to the country in his annual message of 1901: "The Navy offers us the only means of making our insistence upon the Monroe Doctrine anything but a subject of derision to whatever nation chooses to disregard it."

One of the latest critics upon this subject, whose profound study of the Doctrine of Monroe in its relation to the precepts of international law, the distinguished German jurist, Dr. Herbert Kraus, declares in his work printed within a year, at Berlin, that there has not been a single instance in which the interference of the United States between American and non-American states, upon the ground of the Monroe Doctrine can be traced to a justified purpose of self-protection, neither has there ever been an instance in which the United States could have been justified in such intervention, because in no case has there ever been an actual danger which threatened the national existence of the United States. He pronounces illegal the employment of that doctrine to obstruct by force the just development of the political power of non-American states in America, unless such intervention be called for by danger arising from such development and actually threatening the integrity of the United States Government.<sup>9</sup>

<sup>8</sup>Mr. Seward to Mr. Bigelow, Minister to France, Dec. 16, 1865. J. B. Moore, *Digest of International Law*, VI, p. 501.

<sup>9</sup>"Die Monroedoktrin in ihren Beziehungen zur amerikanischen Diplomatie." Herbert Kraus, Berlin, 1913, pp. 360-361.

Dr. Kraus contends against the assertion that the Monroe Doctrine has been recognized, either through the acquiescence of the Powers to the declaration made by the United States and spread upon the minutes of the Hague Conference, or by the references made to it either directly or indirectly by any of the European Powers, which he describes as merely a small number of expressions of friendly sentiment; for he gives it as his decided opinion that no state has as yet recognized the Monroe Doctrine as part of the law of nations.

Taking all this into consideration, however, whilst it has not been formally recognized, neither has it been disregarded; for there are instances to the contrary. We have the example of England when she agreed to negotiate with us in relation to a question of her boundary line with Venezuela, in which nothing else but the Monroe Doctrine could have afforded the United States the least shade of authority to intervene. We have the pro-memoria on behalf of Germany delivered to the Department of State by Herr von Holleben, her Ambassador in Washington, in 1901, in relation to her claims in Venezuela, in which document the German Government informed the Secretary of State that:

We consider it important at the outset to inform the Government of the United States as to our intentions, in order that we may show that we have nothing else in mind than to aid those of our citizens who have suffered injury. We declare particularly that in our proceeding we do not contemplate, under any circumstances, either the acquisition or the permanent occupation of Venezuelan territory.

And, as indicating still further that the doctrine is at least taken notice of in connection with quite recent events, we have the statement of the Premier of France, M. Dumergue, who in reporting to the Parliament in regard to foreign affairs, about a month ago, informed the Chamber that the French Government, whilst taking steps to protect French citizens in Mexico, and had sent French men-of-war to Vera Cruz for that purpose, had no intention of taking part in the domestic affairs of Mexico, in order not to interfere with the freedom of action of the United States; the French Government having placed, said M. Dumergue, the fullest confidence in the Cabinet of Washington.



It is safe to say, that no European government would think either of establishing a colony or of attempting to occupy territory on the American Continent without considering in that connection the attitude of the United States.

The CHAIRMAN. Ladies and Gentlemen: I am sure you are deeply obliged to Mr. Tower for his very interesting and valuable statement of the European attitude toward the Monroe Doctrine. We have had this declaration of principle examined in the light of its origin and history. We have had the Latin American view in favor of it and against it expressed.

It was our hope to have a comparison of the Monroe Doctrine of 1823 with the doctrine of the present day, and an answer to the question, Should it continue to be a policy of the United States? by Mr. Charles B. Elliott, formerly Associate Justice of the Supreme Court of Minnesota and of the Philippine Islands, and formerly a member of the Philippine Commission. No doubt Mr. Elliott would have examined the Monroe Doctrine in its relation to the Pacific. Unfortunately, we have just received a telegram from Mr. Elliott, stating his inability to be present on account of illness, with the further statement that he refrained from telegraphing until the last moment because of his very great desire to be present. But although we will not be able to cover that aspect of the question tonight, nevertheless the question involved in the title, Should the Monroe Doctrine continue to be a policy of the United States? will be discussed by a very competent speaker, Mr. George H. Blakeslee, Professor of History at Clark University, whom I now have the pleasure of presenting to you.

#### SHOULD THE MONROE DOCTRINE CONTINUE TO BE A POLICY OF THE UNITED STATES?

ADDRESS OF GEORGE H. BLAKESLEE,

*Professor of History, Clark University*

During the past year there has been an epidemic of discussion regarding the Monroe Doctrine. This has been due probably to the dawning consciousness in the minds of the people of this country that there exist strong, stable nations in South America, which no

longer need the protection of this traditional foreign policy, and which keenly resent its supposed spirit of guardianship. The problem whether it should be continued unchanged, or be modified or abandoned, has been a live issue in our newspapers and periodicals; it has been debated in schools, colleges and universities in all parts of the United States; it has frequently, at least in New England, been the topic at economic clubs; and, finally, it has been studied from nearly every aspect at three recent conferences of those especially interested in our foreign relations.

Yet there exists a certain feeling that this questioning of the infallibility of the Monroe Doctrine is merely a temporary fad, that it represents nothing substantial, and that it will soon be past, leaving the traditional American policy unchanged and unshaken. This view was expressed only the other day by the Honorable Champ Clark, who said, "Every now and then somebody rises up and solemnly informs us that the Monroe Doctrine is dead. I answer such people as those in the words of Grover Cleveland \* \* \* Cleveland said, 'We are sovereign on this continent.'" Mr. Clark added in a tone of absolute finality, "And we are." This idea that the Monroe Doctrine has still an unshakable hold on the American people is shown further by the recent words of a British essayist. "To the Americans," he says, "the Monroe Doctrine is like God or religion to a small child—something fearful, something to inspire awe, something, if necessary, to fight for." Is the keen British essayist correct? Is the Monroe Doctrine, after all, like God to the American people? Are we still content to accept as a matter of faith, without a question or a doubt, the inspiring and all-sufficient creed, "We are sovereign on this continent?"

In order to answer such queries as these it seemed very desirable to secure some definite evidence regarding the general attitude of thoughtful men in this country towards the Monroe Doctrine. But how might this attitude be discovered? Whose opinions should be asked? It was finally decided to obtain, first of all, if possible, the judgment of the lecturers on international law and American diplomacy in our colleges and universities, since these form almost the only body of men, all of whom as a class have given this subject professional study and whose opinions at the same time are almost entirely uninfluenced by political or party considerations. The writer there-

fore took the liberty of sending to each of these a set of questions. None were sent to any out of this class in order that no possible suspicion of personal bias in making the selection might affect the result of the canvass.

The questionnaire read:

I. Should the Monroe Doctrine, as now generally understood and interpreted in the United States and in Latin America, be continued without either modification or further definition?

II. Does it need clearer interpretation?

(a) For the people of the United States?

(b) For the people of Latin America?

III. Should the stable Latin American States (at present Argentina, Brazil and Chile) be regarded by the United States as supporters of the Monroe Doctrine?

(a) Should this support be limited to the defense of their own lands from European conquest; or

(b) Should they be invited to coöperate with the United States in interpreting and enforcing the Monroe Doctrine wherever it may apply on this hemisphere?

IV. Should it be abandoned?

(a) Entirely?

(b) Below the Equator? or

(c) Only so far as concerns the stable Latin American States (Argentina, Brazil and Chile)?

V. Other views, comments and reasons, if any.

One hundred and forty-six replied, representing nearly all of our leading colleges and universities, and including seemingly the larger number of those best known as leaders in this field.

A study of these returns shows that certain general conclusions are agreed upon by a very large majority. These are: First, the present status of the Monroe Doctrine is unsatisfactory; of the total number who voted, only thirteen believe that it should be continued substantially as it now exists, that is, with its meaning somewhat indefinite and its interpretation and enforcement dependent upon this country alone. Second, it should nevertheless not be abandoned; only nine wish to give up the policy entirely. Third, it should be more clearly explained and decidedly modified in certain respects. The form of modification favored by a notably large majority is one which will

recognize in some way the importance of at least such sister American republics as Argentina, Brazil, Chile and possibly Peru. It is held, five to one (104 to 20), that the United States should share with these stable republics the responsibility of enforcing the doctrine by adopting one of the three following policies, (1) complete coöperation with them, or (2) abandonment of the policy south of the Equator, or (3) abandonment so far as the stable states themselves are concerned. It is complete coöperation with them, however, which is generally favored; the large majority, eighty-five against thirty, believe that the stable Latin American states should be invited to coöperate with the United States in both interpreting and enforcing the Monroe Doctrine wherever it may apply on this hemisphere. This strong sentiment in favor of coöperation in its widest possible extent is the more surprising and the more significant in view of the fact that the doctrine has always been regarded as a policy to be interpreted and enforced by the United States alone.

These then are the views of a body of Americans who have made this subject a special study: the Monroe Doctrine should not be abandoned, but it should be more clearly explained, and it should be modified so as to rest upon a basis formed by the coöperation of all stable American republics.

In addition to this general summary, it will be valuable to consider the several propositions more in detail. First in importance is the question whether the Monroe Doctrine should be continued or abandoned. Typical comments from those who would renounce it entirely are as follows: "Not needed by United States; not desired by Latin America;" "The basis of the doctrine is gone, for we are in a world age and not a hemisphere age;" and "It is costly and dangerous; likely to embroil us in war; makes South America suspicious of our territorial cupidity and unfriendly. \* \* \* It implies an insult to a spirited people who do not ask for it or acknowledge it." Others would abandon the name, but retain the principle. "The words 'Monroe Doctrine' and 'Monroeism,'" one writes, "have come to have such a disagreeable connotation among our neighbors that our policy towards Latin America ought to receive some other name."

Those who believe that the doctrine should be continued rest their contention, for the most part, so far as they have expressed their reasons, upon the belief that there is still danger of European or

Asiatic acquisition of territory in this hemisphere. Some of the comments are: "No; it should not be abandoned, for the weaker states of South America would be seized and colonized by foreign Powers before half a decade;" "We should maintain the doctrine as it is, or strengthened, for another one hundred years, or until the danger of European invasion is past;" and "The greater danger after all lies rather in the possibility of a sale to some great Power by some South or Central American state. Therein lies the strongest argument for maintaining the general position of the doctrine." A particularly forceful statement of this view comes from a former diplomat, who says:

As one formerly engaged in the application of the Monroe Doctrine \* \* \* I am tremendously concerned over the present tendency to discredit the doctrine as entirely useless. We are practically inviting trouble with Europe by such an attitude. We do not want another African scramble. \* \* \* There are European nations which are allowing big indebtedness on the part of certain rich states of Spanish America to grow up, in order to have a greater reason for intervention when the opportune moment should arise. It would seem criminal for us to scuttle out at this time.

On this question, whether or not the Monroe Doctrine should be given up entirely, nine favor abandonment; 123 oppose it.

But if it is not to be abandoned, it should, it is believed, be more definitely explained. That a clearer interpretation is needed for the people of Latin America, is asserted by 107, only twenty dissenting; while an only slightly smaller majority (94 against 32) maintain that it is needed also for the people of the United States. "No one knows what it means," writes one. "The history of its applications," replies another, "would seem to indicate that it means what the existing administration would like to have it mean." Still another says, "it means anything and everything. It is a cry to stampede the people when there need be no real alarm. We are even trying to believe with Champ Clark that to repeal the Panama Canal toll bill is to abandon the Monroe Doctrine." For Latin America it is held that the doctrine should be interpreted in such a way as to exclude from it all idea of territorial covetousness and, if possible, all claim of political sovereignty and tutelage. This view is shown by the following comments:

"It should be made clear that the Monroe Doctrine is no part of any policy of political aggrandizement by the United States;" "It should be further defined so as to make it apparent that the United States has no desire to interfere in Spanish-American affairs;" and "The Latin Americans consider it an unnecessary and at present indefinable assumption of superiority and of guardianship on the part of the United States."

One suggestion as to the modification of the Monroe Doctrine, urged by many, is that we should return to the simple, strictly defensive policy of President Monroe. The following replies explain this position: "Very important to rid the doctrine of some of the modern interpretations;" "There is grave danger of our being dragged into a policy of imperialism if we retain it as it is;" "We ought to return to the original construction. \* \* \* To assume the position taken by recent Presidents of a kind of guardianship over all South America, including Mexico and Central America, seems to be a piece of arrogance, and is productive of infinite future trouble;" and, "The original Monroe Doctrine was clearly justified. \* \* \* The Polk-Frelinghuysen-Olney-Cleveland-Roosevelt-Lodge version of it is a constant source of irritation to the South American republics and is a menace to the peace of the world. \* \* \* It is antiquated, worn out, and in its present form ought to be abandoned." How widely this view is held it is impossible to say, since no definite question was asked regarding it which would bring out a general expression of opinion.

Another suggestion as to the modification of the doctrine is that the United States should abandon it either south of the region marked in general by the Equator or the Orinoco, or else so far as the stable South American republics are concerned. Of those who hold this view some favor absolute and unqualified abandonment, as is shown in the following statement: "What transpires in Argentina is of no more concern to us than what happens in Africa." Others oppose absolute abandonment, but would give over the enforcement of the policy in lower South America to the stable republics and would remove from it, so far as this region is concerned, all idea of sovereignty, protection and guardianship. This is shown in the following replies: "Yes, it should be abandoned in so far as it implies a protectorate over them;" "Not abandoned, but suspended as long as the



policy and conduct of these states show them to be supporters of the doctrine;" and "The Monroe Doctrine should be abandoned with reference to Brazil, Argentina, and Chile, save to protect them from European conquest." The summary of opinions shows that nine would abandon the doctrine south of the Equator, while twenty-seven would abandon it in Argentina, Brazil and Chile; thus making thirty-six who favor giving up the policy for part of South America.

Whether or not the doctrine is thus abandoned locally, a very strong sentiment is shown that in any case a sharp distinction should be made by our government, in its application of the Monroe Doctrine, between the Panama Canal region, on the one hand (Mexico, Central America, the West Indies, Venezuela and Colombia), and, on the other, the region of the stable republics of South America. This view is shown by such quotations as these: "Over the Caribbean states, Mexico to Venezuela, our position should be that of a protecting Power, with treaty rights wherever possible, to support stable governments;" "The doctrine should be extended and made more positive for the Caribbean countries;" and "As to territory between the Rio Grande and the Panama Canal the United States must act alone and be practically paramount." Somewhat more than forty of those who answered the questionnaire went out of their way to express their opinion in one form or another that there should be a marked difference, in the application of our policies, between these two sections.

The modification of the Monroe Doctrine which appeals most strongly to the body of men whose opinions we are discussing, is, as has been said, some form of coöperation. There are those who oppose coöperation, however, on the ground that, "We are sovereign on this hemisphere," and should play the part. Others oppose it from the fear that it would lead to a hard and fast alliance in which the United States might be out-voted on questions of vital concern, especially in the Panama region. As one of these critics writes, "If such a policy were adopted the Latin Powers would dominate the affairs of the new world."

Representative opinions of those favoring coöperation are as follows: "The Monroe Doctrine should take in all America and all America both North and South, should unite in upholding it;" "The Monroe Doctrine should be turned into a mutual association of equal

states, supporting one another for the common welfare of the Americas and operating for the development and prosperity of each and all;" "Unless we can obtain their support the doctrine is futile;" "We should not excite the sensibilities of the Latin American states by claims of superiority and of sovereignty on this hemisphere, but join with the well behaved states in guiding the weak ones;" and "The trend, seems to me, is toward a world's concert of the great nations, but as long as there is the Concert of Europe, let us have an American concert of nations, the United States and the three more stable of the South American republics, and other American nations as fast as they prove their fitness."

If the writer might hazard a further explanation of the kind of coöperation which is generally desired, he would suggest that it is in the nature of an understanding rather than of any definite alliance. While coöperation should take place in the sense of a mutual exchanging of views; joint agreements, so far as possible, upon questions of interpretation and defense; and occasionally joint military operations; yet, in the ordinary course, such stable states as Argentina, Brazil, Chile and possibly Peru would naturally take the lead in enforcing the Monroe Doctrine in their own section, and the United States would expect a like leadership in the region about the Caribbean Sea.

In one of the letters received in answer to the list of questions sent out, a university professor wrote: "Your summary will be most interesting. \* \* \* Will it, however, represent the American people? There seems," he said, "a considerable disposition among those of us who fill academic positions to discard or deprecate the doctrine." To anticipate such an implied criticism as this, it should be stated that no claim is made that this summary of the views of the lecturers upon International Law represents the ordinary thought of "the man on the street." It is believed, however, that it is an excellent test of the attitude of the best informed and of the most advanced public opinion of the nation, as well as of the judgment towards which this country as a whole is rapidly tending.

But the writer wished also to gauge the feelings of "the American people," as the letter has expressed it, and so sent this same set of questions to a carefully selected list of newspapers and periodicals. From the replies received, and from a few recent editorials in which

one or more phases of the doctrine are discussed, answers or opinions upon some or all of the questions submitted have been obtained from forty-seven leading publications.

The first impression is that the foremost newspapers and periodicals, instead of being enthusiastic supporters of the present Monroe Doctrine, as it was expected they would be, are somewhat hazy in their views regarding the various aspects of the policy. The editor of the *Omaha Bee* writes, "I doubt whether the sentiment of our general public is crystalized on the subject of the Monroe Doctrine," and he adds, "Speaking briefly of my own views, and which I think reflect the views of many with whom I come in contact, I would say that the Monroe Doctrine needs redefinition."

But the important fact regarding the opinions of the press, so far as they have been obtained, is that they accord substantially with those of the college and university professors of international law and diplomacy. There is a general feeling of dissatisfaction with the doctrine in its present form, a belief that it should be more clearly explained, and that it should be modified in certain respects. Only four publications definitely give full approval to the doctrine as it is generally interpreted at the present time. One of these is the *Kansas City Star*, which states, "The *Kansas City Star* always upholds the President on matters of foreign policy, including his interpretation of the Monroe Doctrine." Two of the others are the *Springfield Republican* and the *Brooklyn Eagle*.

On the other hand, there is a general conviction that the doctrine should not be given up entirely. The *Louisville Courier Journal* seems to be the only paper to favor complete abandonment.

As to constructive changes, a large majority, thirty to seven, believe that the doctrine needs clearer interpretation, especially for Latin America. The modification of the doctrine which the press believe is needed, is the same suggested by such a large majority of the university world, coöperation with at least the stable American republics. So far as definite views have been expressed on this point, thirty favor coöperation of some form, while only six show that they are definitely opposed to it. Twenty-five believe in the most complete coöperation, that is, in joint action by the stable Latin American countries and the United States in both interpreting and enforcing the Monroe Doctrine wherever it may apply on this hemisphere.

A few direct quotations from various papers will show the general dissatisfaction with this policy in its present form: "The Monroe Doctrine is as elastic as India rubber and as comprehensive as all outdoors" (*New York Sun*); "That vague thing known as the Monroe Doctrine" (*New York Evening Post*); "The whole world would be grateful for some dependable definition" (*Detroit Free Press*); "The doctrine should be abandoned or emphatically restated" (*Harrisburg Telegraph*); "The time has clearly come for revaluing the Monroe Doctrine" (*Boston Herald*); "The Monroe Doctrine, President-made in the first place, has been made over and over again until its own father wouldn't know his child" (*The New York Press*); "It means just what we wish it to mean, and is to be applied only when we think it wise. It has been modified to death" (*The Nation*).

Some papers strongly favor a return to the original meaning of Monroe, as is shown by the following comments: "It should be continued as stated by Monroe" (*Omaha World-Herald*); "In principle it should be continued. The interpretation of the doctrine in late years is an unwarranted extension of the responsibility of the United States" (*Wilkes-Barre Record*); "The Monroe Doctrine should be construed strictly by the terms of its early formulation. The United States by adherence to it assumes no office of policing South and Central American countries" (*The State*, Columbia, S. C.); "As it is now interpreted here and elsewhere, the Monroe Doctrine becomes not only a menace to our peace and safety but fails utterly in its benevolent purpose as regards the southern republics" (*New York World*); the Monroe Doctrine "does not make us the guardian and wet-nurse of Latin American republics. \* \* \* There is great need that the Latin American nations, European nations, and especially *this* nation should understand thoroughly what the doctrine does mean and does not mean" (*The Duluth Herald*).

There is, further, a widely held conviction that the Monroe Doctrine should be changed from a unilateral to a Pan American basis. Several of the publications gave their reasons for this belief and their comments, some of which are as follows: "It should mean that all stable republics should unite to prevent aggression or colonies representing European or Asiatic Powers" (*The Philadelphia Public Ledger*); "It is only through the frankest coöperation \* \* \* that the Monroe Doctrine can be prevented from becoming a source of offense between

the United States and the other nations of the new world" (*Detroit Free Press*); "The remedy \* \* \* is a complete abandonment of our pretensions to any special influence in the policies, government and destinies of any American nation except our own, and inviting all well established American governments to join with us in the formulation and enforcement of a Pan American policy (*San Francisco Chronicle*); "We believe that thorough coöperation with South American republics, stable or unstable, will convince them of the wisdom of the Monroe Doctrine. There is doubt if it should be enforced unless it has their thorough coöperation" (*Tacoma Daily News*); "The doctrine which Roosevelt is preaching in South America to the effect that the stable governments be invited to coöperate with the United States in enforcing the Monroe Doctrine wherever it may appear to be necessary hereafter, meets with my personal views on the matter" (Editor of *The Los Angeles Express*). Of the periodicals, *The Outlook* says: "We emphatically believe that whenever the United States has occasion to interpret and enforce the Monroe Doctrine, the United States should take for granted that it has the approval of Argentina, Brazil and Chile, and in any instance which involves or may involve intervention, the United States ought to invite their coöperation." The *Independent* expresses a similar but slightly different view which is held by several, that there should be complete coöperation in South American matters but unilateral enforcement of the Monroe Doctrine by the United States in the Caribbean region, and adds, "In our concern for the well-being of the peoples of the Western Hemisphere, \* \* \* we must be their partner, not their patron."

The majority of the press, then, agree with the majority of the experts, that the present status of the Monroe Doctrine is unsatisfactory, that the policy should be clarified by a clearer interpretation of its meaning and that it should be broadened and strengthened by being placed upon a Pan American foundation.

The Monroe Doctrine has been called a President-made policy, and there is some justification for the expression. The present day opinion, then, of those who have once helped to interpret and to enforce this policy, must have particular value. Ex-President Taft, in a recent address, states that Europe is so little likely to seize territory from Argentina, Brazil and Chile that the doctrine may well be re-

garded as no longer in force so far as they are concerned. To give his exact words, "this possibility is so remote that it practically removes them from the operation of the Monroe Doctrine. I am glad," he continues, "that Mr. Roosevelt in his visit to those countries has sought to impress them with the same view of the Monroe Doctrine that I have thus expressed." In regard to establishing complete coöperation, he says, "If we could do this, I would be glad to have it done, because it would relieve us of part of a burden and would give greater weight to the declaration of the policy. I would be glad to have an effort tactfully made to this end." After expressing his apprehension that this may not be possible, he adds, "I hope my fear in this respect will prove to be unfounded and that the plan suggested may be successful."

Ex-President Roosevelt holds somewhat similar views. In his address to the people of Argentina he exclaimed: "I wish there to be no doubt of my meaning. As far as you are concerned, we have no more concern with the Monroe Doctrine about you than you have about us \* \* \* The Monroe Doctrine in the sense of special guardianship thereof by the United States of the North no longer applies." In regard to coöperation he expresses the hope that "all of the Latin American peoples will finally reach such a level of orderly self-government, of material prosperity, of potential strength, and of political and social conduct as to make the Monroe Doctrine, in the sense of being a merely unilateral doctrine, a thing of the past and to substitute for it a common agreement among all the free republics of the New World."

To this list of those now living who have notably helped to create the Monroe Doctrine of today, should be added the name of Honorable Richard Olney, Secretary of State during the Venezuela dispute in the administration of President Cleveland. The words of this distinguished statesman that "the United States is practically sovereign on this continent," are quoted continually, but they fail to do full justice to Mr. Olney's position. Before the American Society of International Law, in 1907, he stated his belief in the principle of coöperation in the enforcement of the present Monroe Doctrine. He still holds these views, for, not many weeks ago, he mailed a copy of this address with the following quotation double marked: "How and on what lines is it desirable that the United States should proceed?"



Surely not by making itself a sort of international American 'boss'—but by proceeding on lines justified by precedent and the highest considerations of policy—by initiating, cultivating and working through an American concert."

The only living ex-Presidents, then, Mr. Roosevelt and Mr. Taft, both believe that the Monroe Doctrine, at least in its sense of guardianship and tutelage, should be considered inoperative for such states as Argentina, Brazil and Chile. The three men, now living, who have probably had the largest part in enforcing the doctrine, all believe that it should be modified, if possible, by being placed upon some sort of an all-American agreement.

Should the Monroe Doctrine, then, continue to be a policy of the United States, to quote the question assigned for this closing hour? In the judgment of a large majority of 146 lecturers upon international law and American diplomacy in our colleges and universities, of a majority of forty-seven leading American newspapers and periodicals, and of our two living ex-Presidents, the Monroe Doctrine should continue to be a policy of the United States; but it should not continue as it is now popularly understood, an indefinite policy, to be interpreted and enforced by the United States alone, and considered operative in full force throughout the entire hemisphere. It should be more clearly interpreted; and should be placed, in some way, upon a broader all-American basis.

But further questions arise. Which of the many definitions presented at this annual meeting shall be accepted, and how shall this definition be made authoritative? Just what shall be the function of this American "concert"? What shall be its rights and its duties? What shall be the limits to its action? How shall matters of all-American concern be differentiated from matters of more national concern? Finally, just how are our sister republics to be "tactfully invited" to join us in a policy of coöperation? These are important questions, but their answers must be left to some other occasion. The purpose of this paper has been fulfilled—to show the general attitude towards the Monroe Doctrine of representatives of the thoughtful classes of this country.

The CHAIRMAN. We are all deeply indebted to Professor Blakeslee for voicing the opinion of many whom we would like to see at our

meetings, but whom we can never hope to see attend. This completes what may be called the written program for this evening. The subject is open for discussion. Is there any desire that either or both the papers be discussed?

I take it I am correct in assuming that there is no desire that this meeting be prolonged. Therefore, with the announcement that the Society will meet at 10 o'clock tomorrow morning to transact administrative business, I declare this meeting adjourned until that time.

## SIXTH SESSION

Saturday, April 25, 1914, 11 o'clock a.m.

The business session of the Society convened immediately upon the adjournment of the Conference on the Teaching of International Law and Related Subjects, with Mr. GEORGE G. WILSON presiding.

The CHAIRMAN. The first order of business is the report of the Recording Secretary. May I state that all here are entirely welcome to remain whether members of the Society or not.

Mr. JAMES BROWN SCOTT. Mr. Chairman, upon the suggestion of Mr. Root in his official capacity as President of the Society, and indeed at his request, I desire to lay before the meeting very briefly a few suggestions which he has made, which, if carried out, will go far to create an interest in international law where it does not exist, and to strengthen that influence where fortunately it does exist.

In the second article of the constitution of the American Society of International Law, dealing with the objects of the Society, it is stated that the object of the Society is to foster the study of international law and promote the establishment of international relations on the basis of law and justice.

This clear enunciation of the value and service which international law, based upon the principles of law and justice, may have, is followed by a concluding sentence stating that for this purpose the Society will coöperate with all societies in this and other countries having the same object.

The purpose of the suggestion of Mr. Root is to call attention to the fact that sometime ago, with his coöperation, and indeed with his active support, steps were taken to create in each capital of the American republics, local societies of international law, and that at the present day societies either actually exist or are in process of formation in Mexico, Brazil, Argentina, Chile and Peru. In order to supply the connecting link between the national societies of international law it has been proposed, largely following the example of European publicists, to establish what may be called an American Institute of International Law, the membership of which shall be composed of

representatives of the various local societies recommended by such societies, but elected by the members of the American Institute. It is the suggestion and the desire of the President of this Society that the American Society of International Law shall indicate in a formal way its willingness to coöperate with the various societies formed and to be formed in the various countries of the Western Hemisphere, and that the American Society of International Law authorize the President of this Society to take the necessary steps to effectuate this relation by the selection of some members of the American Society of International Law who have had experience in Latin affairs, with Latin American countries, and who are known to the publicists of those countries, to form what may be considered the nucleus of a representation in the American Institute when it is finally constituted.

I make this suggestion and accompany it with a motion, designed in vague terms, because at the present moment we are not in a position to make more definite plans; but I believe, sir, that we can afford to entrust the necessary steps to be taken to give effect to the resolution to the President of the Society, who is not only deeply interested in international law in our country, but profoundly interested in the creation of an interest in international law in each and every one of the Latin American countries. I would therefore, sir, conclude these brief remarks by a motion that the President of the American Society of International Law be authorized to take such steps as in his judgment and wisdom may seem proper to coöperate and establish the relationship referred to with the American Institute of International Law.

The CHAIRMAN. You have heard the motion of Mr. Scott. Is the motion seconded?

The motion was seconded.

The CHAIRMAN. Are there any remarks?

The motion was unanimously agreed to.

The CHAIRMAN. The next in order is the report of the Committee on Codification.

Mr. SCOTT. Mr. Chairman, on behalf of the Committee on Codification, I beg leave to present a report merely in the nature of progress, and to request that the Committee on Codification be continued.

The CHAIRMAN. You have heard the report and the recommendation. What action will you take upon the recommendation that that Committee be continued?

Mr. HULL. I move that the Committee be continued.  
The motion was seconded and unanimously agreed to.

The CHAIRMAN. Has the Recording Secretary any other report to present?

Mr. SCOTT. There is no other business to present.

The CHAIRMAN. Is there any report from the Corresponding Secretary?

Mr. CHARLES HENRY BUTLER. I have no report to present except that I have corresponded with various people who wanted to join the Society.

The CHAIRMAN. If there is no objection, the report of the Corresponding Secretary will be received.

The CHAIRMAN. Are there other reports that should be made at this time? We will hear the report from the nominating committee.

Mr. F. C. PARTRIDGE. The nominating committee, the chairman of which is presiding over this meeting, makes the following report:

*President,*

Honorable Elihu Root.

*Vice-Presidents,*

Chief Justice White,  
Justice William R. Day,  
Hon. P. C. Knox,  
Mr. Andrew Carnegie,  
Hon. Joseph H. Choate,  
Hon. John W. Foster,  
Hon. George Gray,

Hon. William W. Morrow,  
Hon. Richard Olney,  
Hon. Horace Porter,  
Hon. Oscar S. Straus,  
Hon. Jacob M. Dickinson,  
Hon. James B. Angell,  
Hon. William H. Taft,

. Hon. William J. Bryan.

*Members of the Executive Council to serve until 1917,*

Hon Richard Bartholdt, Missouri. Gen. George B. Davis, District of Columbia. Prof. Charles Noble Gregory, District of Columbia. Hon. A. J. Montague, Virginia. Rear Admiral Charles H. Stockton, District of Columbia. Charles B. Warren, Esq., Michigan. Hon. John Sharp Williams, Mississippi. Prof. Theodore S. Woolsey, Connecticut.

*For member of the Executive Council to serve until 1916, in place of the late Senator Bacon,*

Hon. Henry Cabot Lodge, Massachusetts.

The CHAIRMAN. You have heard the report of the nominating committee. What is your will?

Upon motion, duly made and seconded, the Secretary was directed to cast a single ballot for the nominees.

The Secretary reported that the ballot had been cast and the gentlemen nominated were accordingly declared elected to the respective offices.

The CHAIRMAN. The next is the report of the Committee on Honorary Members.

MR. JACKSON H. RALSTON. Mr. Chairman, on behalf of the Committee I desire to place in nomination for honorary membership Mr. Pasquale Fiore.

I might say just a few words to acquaint the members with Mr. Fiore's history. He is at present Royal Italian Senator, member of the Council on Diplomatic Affairs, and of the Institute of International Law; professor of international law in the University of Naples, since 1880. Born at Terlizzi in the Province of Bari, April 8, 1837; educated in the University of Naples; professor of philosophy in the Liceo di Cremona, 1861-63, of international law in the University of Urbino, 1863-65, University of Pisa, 1865-75, University of Torino, 1875-80. Author of the following publications: Constitutional and Administrative Law, 1 vol., 1862; Modern International Public Law, 1 vol., 1865 (translation into French by Pradier, 1868); Elements of International Private Law, 1869 (translation into French with annotations and preface by Pradier, 1875; translation into Spanish by A.



Garcia Moreno, with preface by C. Martos, 1878, 6th Italian edition, 1905); Bankruptcy According to International Private Law, 1873; International Effects of Civil Judgments, 1874; International Effects of Penal Decisions and of Extradition, 1877; Treatise dealing with International Penal Law and Extradition, 2 vols., 1880 (translation into Spanish); The European Question, a Solution, 1890; Treatise upon International Public Law, 3 vols., 1879, 4th edition, 1904 (translation into French with annotations by C. Antoine, 2d edition, 1885; translation into Spanish); General Rules upon the Publication of the Laws, 2 vols., 1886-87; Treatise upon International Private Law, 4 vols., 1888, 4th edition; General Rules for the Publication, Application and Interpretation of Laws, vol. II, 1890; 2d edition, 1908; Citizenship and Marriage, 1 vol., 1909; International Law Codified, 1 vol., 1890, 4th edition, 1909 (translation into French, 1st edition 1890, 2d edition, 1911); Questions of Law with Reference to Controverted Cases, 1904; Monographs dealing with Adoption, Diplomatic Agents, Divorce, Juridical Personality of the State, etc., etc.

The Committee has felt that in proposing a name it should be that always of a man who has performed eminent distinguished services in the development of international law rather than a man whose fame was perhaps based upon a single instance. We have therefore felt amply justified in presenting the name of Signor Pasquale Fiore.

It was moved and seconded that the report of the committee on honorary membership be adopted and that Signor Fiore be elected to honorary membership.

The CHAIRMAN. Signor Pasquale Fiore has been in active service as a contributor to international law for fifty years, and some of his recent contributions—and I think those who have followed them will bear out the statement—are equal to any of the earlier ones, and his activity in recent years has been decidedly marked in the field of strictly scientific contribution. Two years ago, also, he was a guest of this Society and its speaker at the opening meeting.

The question of the election of Signor Fiore to honorary membership, having been duly seconded, was put and carried.

Mr. SCOTT. Mr. Chairman, on behalf of the Executive Council, I rise to say a few words as to the loss which the Society has sustained in the death of one of its most distinguished honorary members. I refer to the late T. M. C. Asser, who for some time has been an honorary member of the Society. He was born in 1836 and he died in 1913. A lawyer by profession and a teacher in the University of Amsterdam, he took a deep and a keen interest in the practice of his profession until his government desired his full services rather than occasional services. He was appointed a member of the Council of State.

His contributions have covered the field not merely of public international law, by means of articles appearing in various journals devoted to international law and public law, but he was a specialist of the greatest authority in the conflict of laws. His little treatise published in the Dutch language in the year 1880 on private international law was translated into French by his colleague and friend, Professor Rivier. The treatise has been translated into various languages, and it is not too much to say that it has become a classic, and that during his lifetime.

But, great as were the services of Mr. Asser to the theory of international law, whether it be public or private, his services of a constructive nature have been even greater, and the agencies which he created or helped create and set in motion have endowed international law with organs apt to give effect to theory and to development and to act as a guide in practice.

In the year 1869, in conjunction with M. Rolin-Jaequemyns and the late Professor Westlake, who also was an honorary member of this Society, he founded the *Revue de droit international et de législation comparée*, this being the first journal in any language devoted to international law, both public and private. It is unnecessary to dwell upon the services which this journal has rendered. It pointed the way and has been the model of all subsequent journals which have been established, dealing with one or other of these two important subjects.

A few years later—to be accurate, in 1873,—he was one of the founders of the Institute of International Law, the services of which to the cause of international law, public and private, especially to its development and advancement, can not be overestimated. He was honored by the presidency of the Institute which he helped create, and at the time of his death was to have been elected its honorary president.

But this, sir, is not all. He called into being the conferences on private international law which have been held from time to time at The Hague. He suggested that conferences of an official nature to deal with international private law should be called, and The Netherlands Government listened to his recommendations. He presided over each and every one of these conferences, and the results achieved by them are in no slight degree due to his great interest and to his skill in their management.

At the First Hague Peace Conference, assembled in 1899, he was a delegate of his government and an active participant, and especially influential in securing the establishment of the Permanent Court of Arbitration. At the Second Hague Peace Conference, held at The Hague in 1907, he also was a delegate of his country and is largely responsible for its constructive measures.

In the last few years of his life he devoted himself especially to the cause of advancing the scientific teaching and exposition of international law by means of an academy of international law to be established at The Hague and to be installed in the Peace Palace. A proposition to that effect had been made at the Second Hague Conference but was not carried out. A committee of Dutch publicists was formed through his initiative which, after several years of arduous labors, secured, in conjunction with a committee of the Institute of International Law, the establishment of the Academy on the 12th day of January of the present year. Unfortunately, Professor Asser was no more. It is a great regret that he could not have lived to be present at the formal opening of that institution by the Dutch Government in the month of September of this year.

It is especially to be regretted for another reason, because in personal conversation and in various letters he hoped, although his health was not of the best, that his days might be lengthened to see what he regarded as the crowning effort of his life, namely, the establishment of this academy.

In conclusion, sir, I desire to say that few men have lived who have devoted their lives with such singleness of purpose to the scientific study and propagation of wise and progressive ideas on the subject of international law, public and private; and few men have lived, too, who have displayed such constructive imagination in the creation of agencies, which will survive him for many years, and keep his

memory green and advance the cause after his death, for which he labored so incessantly and with such success during his lifetime.

I would like to ask, sir, that a minute be entered in the proceedings expressing our deep regret at the loss which not merely this Society but international law has suffered in the death of Mr. Asser.

Mr. RALSTON. Mr. Chairman, may I add just a word to what has been said by Dr. Scott?

There is one phase of Mr. Asser's activities which were not touched upon, and that was his connection with international arbitrations. Without undertaking to go into detail upon that point, as the matter comes up rather unexpectedly to me at the moment, I may say that Professor Asser figured in at least two arbitrations in which the United States was concerned, both of which, as it happened, were in the year 1902. The first arbitration was that with reference to the sealing claims between the United States and Russia, and the two nations agreed to settle the dispute, which was done in a manner which was certainly satisfactory to the United States and acceptable as well to Russia.

Later, in the course of the same year, Professor Asser was a member of the first tribunal of the Hague Permanent Court of Arbitration, sitting to determine the differences between the United States and Mexico with regard to what was known as the Pious Fund Claim. It was in that connection that it was my fortune to know Professor Asser and to come in practically daily contact with him for some six or eight weeks. It would not be invidious to say that, among the five members of the court then sitting, there was no one more widely accomplished than Professor Asser. He was skilled in literature and in languages as well as in all phases of law. At the same time it was a pleasure to appear before him because of his constant urbanity and because of the frequent and continual manifestations, I may say, of his enlightened intellect.

All who were there must remember him with the greatest possible degree of pleasure and with the belief that his voice and his influence, his clearness of vision, had much to do with what we at least regarded as the correct result obtained at that time by that court. We must therefore all sincerely regret that he has passed from us.

The CHAIRMAN. Are there any other remarks? The motion, as I understand it is that the Society concur in the sentiments expressed by the last two speakers and that their remarks be incorporated in the minutes of the Society as a fitting record in memory of Professor Asser..

The motion was duly seconded, put and unanimously carried.

The CHAIRMAN. Is there any other business before the Society?

MR. PHILIP BROWN. Mr. Chairman, since I withdrew from the diplomatic service four years ago I have endeavored to secure some claim to respectability by identifying myself with several very learned societies, including this Society, and I attended the annual meetings of several of these societies with a great deal of interest, but I venture to make this observation in regard to these meetings that I have attended: It has seemed to me that each of the societies in turn has in a sense failed to justify these annual meetings by a lack of sense of direction, if I may say it, in having a large number of very interesting papers read with very little time for discussion and without any attained results other than the impression that each may carry away.

It has always seemed to me that each one of the gentlemen who addressed the Society is so interested in his own paper, naturally, that he can hardly hear the other papers. That is to say, each man hears the sound of his own but can not hear the sound of the others; that, in other words, these societies are not deliberative. They do not do more than come together in a pleasant social way and listen to these papers, which are in due course of time published and can be read by any one. It would seem to me that this purpose could be served very well by having these papers secured and written and furnished without necessarily being read. At any rate, I would like to venture to make this suggestion, that it would be very desirable if this Society should take one step forward—and it seems to me that this particular session of the Society has demonstrated that such a step is possible—and constitute ourselves in another year into a deliberative assembly to discuss definite questions of international law.

I wish to pay my respects to the wisdom and judgment of the Executive Council of this Society in the way it has started and fostered this Society. I am aware that the Council has met this situation with admirable judgment, and I would only desire at this time to make this suggestion, that another year we should aim to discuss a definite topic of international law with the purpose of reaching a con-

clusion. I should like to feel myself part of a deliberative assembly of that nature because it seems to me that the time has come when international law associations should feel that they have a solemn duty to perform in the creation of law. The creation of sentiment, of course, I suppose, necessarily must precede the creation of law. In the propaganda for peace and in the interest that has been created in this particular Society, we have the sentiment; but now the serious task still remains, namely, of the creation of law.

The last Pan American Conference, as you all know, created a commission of jurists to undertake the serious study of a large number of extremely important questions of international law, most of which relate particularly to this hemisphere; questions which really are vital, because of the fact that out of these questions have arisen very many of the unpleasant incidents not only between European Powers and Latin American states, but between ourselves and Latin American states.

Gentlemen, it seems to me that this Society has a chance to assist in that magnificent work, to give an impetus to it, and that if we will from year to year take up these topics and fill in the gap so far as we can by our recommendations, we will be helping in this glorious work of the substitution of law for war.

I do not propose to make a definite recommendation or resolution. I ask the privilege of making these personal remarks, knowing that the Executive Council will welcome any suggestions of this nature. I do not know today how we could possibly work it, but I venture to suggest something of this nature,—that a committee should be appointed to study some of our questions of international law, such as, for example, the rights of foreign creditors; how may foreign creditors proceed against states that are in debt; or such topics as the rights of foreigners in times of civil disturbances; the rights of foreigners in matters of tort; that such a committee should present its report in writing through the *Journal of International Law* in time for every member to read that report before coming up to the annual meeting, and that then we might all come prepared seriously to discuss, and be prepared, after such discussion, to vote some form of recommendation as expressing the sentiment of this learned body on such topics.

I must ask your pardon for having spoken at such length and perhaps not as clearly as I would desire, but I feel very earnestly about



this question, and I would like very much to present this as a suggestion for the Executive Council to consider.

Mr. SCOTT. I should like to express an appreciation of the remarks which Mr. Brown has made, and to declare myself thoroughly in accord with his views.

I do not think the Society needs a justification, and I shall not enter upon one. The difficulty always is to start something, and then, after it is started and is an existing and powerful organization, to give it direction along other and different lines from those which might have been in the minds of its founders. Our purpose was and is to foster the study of international law and to promote the establishment of international relations on the basis of law and justice,—a purpose broad enough, general enough, and yet at the same time technical and limited enough to give full effect to the suggestion made by Mr. Brown.

It is a matter which has been uppermost with me for a number of years. I believe the time has come when we can take definite steps, and I also believe that the difficulty in so doing is not so great as Mr. Brown seems to suggest. It is very easy, indeed, to arrange the annual meeting in such a way as to combine both elements, the technical and popular, as to meet the desires of those who are primarily interested in the technical discussion of the development of international law, and at the same time to be a source of pleasure, profit and instruction to those whose interest in international law and in international relations is more general and less technical.

The method by which that can be accomplished is in my opinion the following: Limit our popular discussions or utterances to the evening sessions, and devote the morning and afternoon sessions to technical discussions, which discussions are not of a kind to attract the public, but are calculated to interest teachers and practitioners in international law.

If it be the desire of the Society, expressed formally in this meeting or informally in communications to the Executive Council, that this plan be followed, arrangements can be made for a meeting and the discussion of the kind proposed by Mr. Brown, without in any way affecting the popular element of the Society, so that instead of reaching one class exclusively or appealing more particularly to one class, we will be able to gather up within the confines of our sessions

all elements which, working together, can advance the cause of international law and promote the establishment of international relations on the basis of law and justice.

Mr. Chairman, I therefore welcome the suggestion which Professor Brown has made and I should be very happy indeed, so far as I am concerned, if the meeting would express itself in favor of the plan that he proposes.

The CHAIRMAN. There is no motion, but it is a proper subject for discussion. It seems to me a motion might be made to this effect, that recommendation should be made to the committee in charge of the annual meeting that provision be made for a program including constructive consideration of international law. That would meet, perhaps, the idea which Mr. Brown has in mind.

Mr. BROWN. Yes, sir.

Mr. HULL. I make such a motion.

The motion was duly seconded, put and carried.

The CHAIRMAN. Is there any other business? If not, a motion to adjourn is in order.

On motion duly made and seconded, the Society adjourned at 11:45 o'clock a.m., *sine die*.

## MINUTES OF THE MEETING OF THE EXECUTIVE COUNCIL

Thursday, April 23, 1914, at 11.30 o'clock a.m.

The Executive Council convened in the Red Room at the New Willard Hotel, on Thursday, April 23, 1914, at 11.30 o'clock a.m.

Present:

Mr. Chandler P. Anderson	Mr. F. C. Partridge
Hon. George Gray	Prof. Leo S. Rowe
Prof. Charles Noble Gregory	Mr. James Brown Scott
Prof. William R. Manning	Rear Admiral C. H. Stockton
Prof. George G. Wilson.	

In the absence of the Chairman, Hon. George Gray presided.

The Treasurer submitted his report for the preceding year. The report was received and referred to an auditing committee, on which were appointed Messrs. Jackson H. Ralston and Clement L. Bouvé.

The following gentlemen were then appointed members of the Committee on Nominations for officers of the Society for the ensuing year:

Prof. George G. Wilson	Mr. F. C. Partridge
Mr. Charles Henry Butler	Prof. Leo S. Rowe
Prof. Eugene Wambaugh	

The Standing Committee for Selection of Honorary Members reported the name of Signor Pasquale Fiore, Senator of Italy, Member of the Council on Diplomatic Affairs and of the Institute of International Law, Professor of International Law in the University of Naples, for the consideration of the Council. After careful consideration, the Council adopted the following resolution:

*Resolved*, That the report of the Standing Committee for Selection of Honorary Members be received, and the Committee is hereby authorized to present to the Society the name of Signor Pasquale Fiore for election to honorary membership.

Whereupon, at 12.30 o'clock p.m., the Council adjourned.

JAMES BROWN SCOTT,  
*Recording Secretary.*

## MINUTES OF THE MEETING OF THE EXECUTIVE COUNCIL

Saturday, April 25, 1914, at 11.50 o'clock a.m.

The Executive Council met in the Red Room of the New Willard Hotel, on Saturday, April 25, 1914, at 11.50 o'clock a.m.

### Present:

Hon. John W. Foster	Mr. Jackson H. Ralston
Mr. Charles Henry Butler	Mr. James Brown Scott
Prof. John H. Latané	Rear Admiral C. H. Stockton
Prof. William R. Manning	Prof. George G. Wilson
Mr. F. C. Partridge	

The meeting was called to order by the Chairman.

The first order of business was the election of the Chairman. Hon. John W. Foster was re-elected. The following officers were then reelected:

Recording Secretary—James Brown Scott  
Corresponding Secretary—Charles Henry Butler  
Treasurer—Chandler P. Anderson  
Assistant to Secretaries—George A. Finch

The following gentlemen were then elected as members of the Executive Committee:

Hon. Elihu Root	Mr. John Bassett Moore
Hon. George Gray	Mr. Jackson H. Ralston
Mr. Robert Lansing	Prof. George G. Wilson
Hon. Oscar S. Straus	

Upon motion, duly made and seconded, the following committees were reelected:

Standing Committee for Selection of Honorary Members:

Prof. George G. Wilson, Chairman	
Mr. Jackson H. Ralston	Prof. Theodore S. Woolsey

Standing Committee on Increase of Membership:

Mr. James Brown Scott, Chairman	
Mr. Charles Cheney Hyde	Prof. John H. Latané
Prof. Jesse S. Reeves	Prof. Theodore S. Woolsey

Committee on Publication of the Proceedings of the Eighth Annual Meeting:

Mr. George A. Finch	Mr. Otis T. Cartwright
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The following resolution was at this point adopted:

*Resolved*, That the Executive Council hereby directs the Committee on the Publication of the Proceedings, to publish the Proceedings on or before the 15th day of June, and for this purpose, that the Committee set a time-limit within which papers for publication in the Proceedings shall be received.

*Resolved further*, That the Proceedings contain an adequate index.

The Board of Editors of the American Journal of International Law was then reëlected as follows:

Mr. James Brown Scott, Editor-in-Chief	
Prof. George W. Kirchwey	Mr. Chandler P. Anderson
Mr. Robert Lansing	Prof. Charles Noble Gregory
Prof. John Bassett Moore	Prof. Amos S. Hershey
Prof. George G. Wilson	Prof. Charles Cheney Hyde
Prof. Theodore S. Woolsey	

Mr. George A. Finch was reëlected Business Manager of the JOURNAL and also elected Secretary of the Board of Editors.

The appointment of the Committee on the Ninth Annual Meeting was referred to the Chairman of the Executive Committee with power.

The report of the Auditing Committee on the Treasurer's accounts for last year was directed to be presented to the Executive Committee.

The Recording Secretary presented a letter from the President of the Panama-Pacific International Exposition inviting the Society to hold its 1915 meeting at San Francisco in connection with the Exposition. After very careful consideration, the Committee was of the opinion that it would not be practicable to get a sufficient number of

members in San Francisco to hold a meeting, and the following resolution was adopted:

*Resolved*, That the Executive Council regrets its inability to hold the 1915 meeting of the Society in San Francisco.

The Recording Secretary reported the substance of the resolutions adopted at the Conference of International Law Teachers, and the following general resolution adopted by that Conference:

*Resolved*, That the Conference of Teachers of International Law and Related Subjects hereby recommends to the American Society of International Law the appointment of a Standing Committee of the Society on the Study and Teaching of International Law and Related Subjects, upon lines suggested by the recommendations of the Conference.

The Executive Council took note of the foregoing request and decided to appoint a standing committee of the Society to be composed of teachers of international law in American institutions of learning who are members of the Society, and postponed the formation of the committee until a subsequent meeting of the Council.

Whereupon, at 12.45 o'clock p.m., the Council adjourned.

JAMES BROWN SCOTT,  
*Recording Secretary.*



## TREASURER'S REPORT

April 25, 1913, to April 23, 1914

## PRINCIPAL ACCOUNT

## RECEIPTS.

Life membership dues, 24 life members at \$100 each.....	\$2,400.00
(21 life members living)	

## INVESTMENTS.

June 23, 1906.	1	\$500 Central Pacific first mortgage 4% bond at 102 with commissions.....	\$510.63
Dec. 21, 1906.	1	\$500 Central Pacific first mortgage 4% bond at 100½ with commissions and exchange on check .....	503.73
Nov. 14, 1907.	1	\$500 Central Pacific first mortgage 4% bond at 90 with commission.....	451.08
July 2, 1908.	1	\$500 Central Pacific first mortgage 4% bond at 97½ with commission.....	486.75
			<u>1,952.19</u>
April 25, 1913.		Balance on deposit at Riggs National Bank.....	\$447.81

## INCOME ACCOUNT

## RECEIPTS.

Balance on deposit at Riggs National Bank, carried forward from previous account .....	\$3,754.87
Overpayment by Mr. Geo. Turner of \$10 credited to payment of 1914 and 1915 dues .....	10.00
	<u>\$3,744.87</u>
Annual dues for 1911, 4 members at \$5 each.....	20.00
1912, 12 " " " .....	60.00
1913, 164 " " " .....	820.00
1914, 537 " " " .....	2,685.00
1915, 4 " " " .....	20.00
Exchange on checks .....	.20
Foreign postage, 1913.....	\$30.62
1914.....	64.55
	<u>95.17</u>
Subscriptions to Journal .....	1,593.37
Proceedings .....	74.00
Income from investment of life membership dues in 4 \$500 Central Pacific first mortgage 4% bonds, 8 coupons (4 due August, 1913, and 4 due February, 1914).....	80.00
Banquet fund .....	453.00
(Tips to waiters and porters paid in cash \$17; postage on invi- tations to sessions paid in cash \$15. Total amount collected \$485.)	
Interest on account at Riggs National Bank.....	11.89
	<u>\$9,657.50</u>

Forward ..... \$9,657.50

## EXPENSES.

*Salary Account:*

Business Manager (Checks Nos. 397, 402, 406,  
413, 418, 421, 426, 432, 435, 442, 448, 453).....\$1,200.00  
Assistant to Treasurer (Checks Nos. 396, 404,  
405, 416, 417, 420, 429, 431, 437, 446A,  
447B, 457) ..... 300.00  
—————\$1,500.00

*Secretary's Disbursements:*

Postage, telegrams, express, etc. (Checks Nos.  
398, 403, 407, 419, 422, 427, 436, 443, 454)..... 30.48

*Treasurer's Disbursements:*

Postage, P. O. box, express, etc. (Checks Nos. 395, 428,  
438, 456, 459) ..... 21.61

*Supplies:*

Stationery, notices, receipt books, etc.,  
Byron S. Adams (Checks Nos. 401, 433,  
434, 462) ..... \$123.50  
Wm. R. Ficke Co. (Check No. 423)..... 5.95  
Copenhaver (Check No. 449)..... 5.50  
Globe Wernicke Co. (Check No. 458).... 1.15  
————— 136.10

*Subscriptions:*

Baker, Voorhis & Co. (Check No. 441)..... 1.00

*Advertising:*

Byron S. Adams (Checks Nos. 401, 434, 462)... \$170.75  
T. Morey & Sons (Check No. 410)..... 23.32  
Wilbur Finch (Check No. 444)..... 10.84  
————— 204.91

*Furniture Account:*

Underwood Typewriter Co., typewriter (Check  
No. 412) ..... \$50.00  
A. J. Wolfe, bookbinding (Check No. 452).... 24.60  
————— 74.60  
Refund to Louis Marshall (Check No. 430)..... 5.00

*Journal:*

On account of publications:  
Baker, Voorhis & Co. (Check No. 463)....\$2,322.50

On account of postage:  
Baker, Voorhis & Co. (Check No. 463).... 116.38

On account of preparation:

George D. Gregory (Checks Nos.  
403A, 415, 445, 455).....\$73.25

Theodore Henckels (Checks Nos. 408,  
447, 451) ..... 96.42

Otis G. Stanton (Check No. 411)..... 50.00

Otis T. Cartwright (Checks Nos. 439,  
461) ..... 80.00

Kathryn Sellers (Checks Nos. 440, 460) 50.00

W. Clayton Carpenter (Check No. 446) 18.00  
————— 367.67

————— 2,806.55

\$4,780.25 \$9,657.50

Forward .....	\$4,780.25	\$9,657.50
<i>Reprints of articles:</i>		
Baker, Voorhis & Co. (Check No. 463).....	\$72.95	
T. Morey & Son (Check No. 450).....	8.45	
		81.40
<i>Annual meeting:</i>		
Byron S. Adams, stationery, printing programmes, etc. (Check No. 401).....	\$85.00	
Harold E. Neibling, newspaper accounts (Check No. 399).....	10.00	
		95.00
<i>Proceedings 1913:</i>		
Byron S. Adams, printing, etc. (Check No. 424)...	\$788.92	
Reporting meeting (Check No. 409).....	115.50	
Postage, wrapping, etc. (Checks Nos. 414, 419, 422, 436, 443, 454).....	150.22	
		1,054.64
<i>Banquet:</i>		
Willard Hotel Co., banquet (Check No. 400)....	\$490.00	
(Tips to waiters and porters, \$17; postage on invitations, \$15; paid in cash.)		
Byron S. Adams, tickets, etc. (Check No. 401)...	7.75	
		497.75
	\$6,509.04	\$9,657.50
Transfer to Union Trust Company (Check No. 425).....	1,500.00	
		8,009.04
Balance at Riggs National Bank, April 23, 1914.....		\$1,648.46
Union Trust Company account.....	\$1,500.00	
Interest to January 31, 1914.....	11.25	
		1,511.25
Balance at Union Trust Company, April 23, 1914.....		1,511.25
Total cash on hand of income account April 23, 1914.....		\$3,159.71

Respectfully submitted,

CHANDLER P. ANDERSON,  
Treasurer.

Washington, D. C., April 23, 1914.

CONFERENCE OF TEACHERS OF INTERNATIONAL LAW  
AND RELATED SUBJECTS

HELD UNDER THE AUSPICES OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW

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FIRST SESSION

Thursday, April 23, 1914, 10 o'clock a.m.

The conference convened at 10 o'clock a.m., with the Honorable ELIHU ROOT, President of the American Society of International Law, in the chair.

The PRESIDENT. Gentlemen: It gives me very great pleasure to welcome you to participation in this, the Conference of Teachers of International Law and Related Subjects, held in connection with the Eighth Annual Meeting of the American Society of International Law, and to express the grateful appreciation of the officers and members of the Society to the instructors in international law who have left their customary duties, to come here for the purpose of taking part in this conference.

The invitation which led to this meeting had its origin in a resolution which was offered by that honored and admired leader in American education, Mr. Andrew D. White, at a meeting of the Trustees of the Carnegie Endowment for International Peace. One of the divisions of work established under that trust is the Division of International Law, of which Dr. James Brown Scott is the head; and Mr. White, responding to the double impulse of his old enthusiasm as a teacher and organizer of education and as a diplomatist, as the representative of his country at the court of Germany, and as the first delegate of his country to the First Hague Conference, offered this resolution:

*Resolved*, That the Executive Committee be directed to propose and carry out, subject to the approval of this Board, a plan for the propagation, development, maintenance and increase of sound, progressive and fruitful ideas on the subject of arbitration and international law and history as connected with arbitration, es-

pecially through addresses or courses of lectures delivered before the leading universities, colleges and law schools of the United States, and to report on the same at the next regular meeting of the Board, or, should the Committee think best, at a special meeting to be called for that purpose.

In taking the first steps in compliance with this resolution, the Executive Committee found it desirable to ascertain, as a basis of action, what was already being done in the United States along the lines indicated by the resolution; and, accordingly, an inquiry was set on foot and prosecuted, in which was developed the state of education upon this subject in all the leading colleges and universities and law schools of the country, and a very full report was made upon that subject.

The consideration of the facts developed by that report led to the conclusion that the program, the method of procedure, the scope of enterprise and activity in the spirit of Mr. White's resolution, were something that no individual and no committee organized for any other purpose, as was the Executive Committee of the Peace Endowment, could properly handle, could adequately deal with; and, accordingly, the suggestion was made that the American Society of International Law, which deals specifically with the subject-matter of the resolution, should take it up, and that the men who know best what is needed and how that shall be done and can be done, should come together and confer upon the subject. So you see that the initial impulse which brings you here is a source which must be respected by every American educator, and has a purpose which is certified to by the highest ability and the broadest experience.

I will detain you from the practical work which lies before you in organizing the conference, by only a single suggestion. The putting of instruction in international law in American educational institutions on a broader basis, giving it a wider scope and greater efficiency, is not a mere matter of book learning. It is not a mere matter of science. It is a matter of patriotic duty.

More and more, as the years follow one another with the swiftness of our modern life, democracy is coming to its own. More and more the people, the men on the farms and in the shops, the men with the pick and shovel in their hands, are assuming the direction of the operations of government, both internal and external. More and more they are directly responsible for the operations of government. Presidents and Congresses more and more look for immediate response

from constituencies upon the most difficult and intricate questions in the foreign relations of the country, questions the right solution of which requires broad knowledge, which cannot be solved by the impressions of the moment, which cannot be solved by emotional response to oratory.

I think no one can study the movement of the times without realizing that the democracy of the world—for it is not alone in this country—is realizing its rights in advance of its realization of its duties. And that way lies disaster. That way lies hideous wrong. That way lies the exercise of the mighty powers of modern democracies to destroy themselves, to destroy the vitality of the principles upon which they depend. And there is no duty more incumbent today upon the men whose good fortune has made it possible for them to acquire a broader knowledge upon the subjects with which democracy deals, than to become themselves leaders of opinion and teachers of their people. Unless the popular will responds to the instructed and competent leadership of opinion upon the vital questions of our foreign relations, the worst impulses of democracy will control. At the bottom of wise and just action lies an understanding of national rights and national duties. Half the wars of history have come because of mistaken opinions as to national rights and national obligations, have come from the unthinking assumption that all the right is on the side of one's own country, all the duty on the side of some other country. Now I say the thing most necessary for the good of our country in the foreign relations which are growing every year more and more intricate and critical, is that there shall be intelligent leadership of opinion as to national rights and national obligations; and nobody can bring that about as the educators of America can bring it about. It is in the hope that you will be able to organize, to give direction and wise guidance to a systematic movement to accomplish this good service for our country, that I take the deepest interest in this conference, and bid you God-speed in your labors.

I have unfortunately to go to the performance of other duties now, and I will ask Judge Gray if he will kindly take the chair.

Honorable GEORGE GRAY, a Vice-President of the Society, thereupon took the chair.

Mr. JAMES BROWN SCOTT. Mr. Chairman, if I may claim for a mo-



ment the attention of the conference, I should like to make a few observations for your consideration, as to the method of procedure.

As stated by the President of the Society, we are here for a very practical purpose, the purpose being to see how it may be possible to increase and broaden instruction in international law, upon which I allow myself to say that peace between nations must rest and can only rest; and, as the result of reflection and discussion, to adopt a series of resolutions, which may be transmitted as the opinion of this conference upon the proper instruction in international law in American institutions of learning.

The report to which Mr. Root referred concludes with a series of recommendations, one of which was that the American Society of International Law, profoundly interested in the subject of correct teaching, should be asked to place this matter upon its program.

The American Society of International Law responded to the request, and it is by virtue of the favorable action of the Society that we have the honor of welcoming you here.

The series of recommendations adopted by the Carnegie Endowment and referred to the Society, are contained in the report, and are printed in the program which you no doubt have before you. These recommendations are that there be a conference on the teaching of international law in the educational institutions of the United States to consider—

1. Plans for increasing the facilities for the study of international law; for placing the instruction on a more uniform and scientific basis; and for drawing the line between undergraduate and graduate instruction.
2. The question of requiring a knowledge of the elements of international law for candidates for advanced degrees.
3. The advisability of urging all institutions with graduate courses in law to add a course in international law where not already given.
4. The advisability of calling the attention of the State bar examiners to the importance of requiring some knowledge of the elements of international law in examinations for admission to the bar.
5. The advisability of requesting the American Bar Associa-

tion, through its appropriate committee, to consider the question of including the study of international law in its recommendations for a deeper and wider training for admission to the bar.

6. The desirability and feasibility of plans for securing the services of professors of or lecturers on international law to whom can be assigned definite lecture periods in institutions where international law is not now taught or is inadequately taught—the services to rotate between institutions where they will be acceptable.

7. The advisability of requesting universities which now have summer schools to include among the subjects offered courses on the elements of international law, and, if there be occasion for it, to offer advanced courses of interest and profit for advanced students and instructors.

These are merely recommendations submitted by the American Society of International Law for your consideration. There may be many other viewpoints from which the subject can be examined, but it has seemed best to begin with a program which could be modified according to your pleasure, and accordingly this program was drafted. In order to facilitate the discussion of these matters and to make the meeting fruitful, I would propose that we adopt a method of procedure something like that contained in the resolution which I now ask permission to read to the conference:

*Resolved*, That the seven proposals laid before the Conference of Teachers of International Law and Related Subjects be referred to separate committees; that each delegate indicate his preference for the committee on which he desires to serve; that a committee of three be appointed by the chair to arrange the membership of each of the seven committees, taking into consideration the preferences expressed by the delegates, and report the membership of the committees to this session of the conference for its approval.

*Resolved further*, That each committee elect its chairman and determine its procedure, and report at the meeting of the full conference on Friday, April 24, at 2:30 o'clock in the afternoon, the result of its consideration of the subject referred to it.

These, Mr. Chairman, are merely practical suggestions, in order to begin the work.

I should think it would be very useful to have some discussion as to

the general nature of the deliberations, but that we should at an early date provide for that careful and detailed study of different topics which is only possible in small and restricted groups. It is for that purpose that we have thought the formation of committees of this kind, whose membership shall be based upon the personal desires or preferences of the members, would be very useful indeed.

The CHAIRMAN. Gentlemen, in assuming the duty and the honor of presiding at this session of the Conference of Teachers of International Law and Related Subjects, I want to say, voicing my own feeling and I doubt not the feeling of those who are here, that whatever interest there may have been and doubtless was prior to this meeting in the great cause of educating the youth of the land in the grand scheme of international morals, which is really international law, whatever that interest has been, it must have been stirred and quickened by the noble address of our President this morning. Certainly nothing can be more important than the conservation of our natural resources, and among those resources none are so transcendently important as the conservation of our boys. So that, in commencing the program today and asking you to consider the resolutions which have just been offered by Dr. Scott, I will ask you to keep in view, as I know you will, the high import of the duty that you have assumed.

Prof. L. S. ROWE. I move the adoption of the resolutions as presented.

Prof. WILLIAM HOYNES. I second the motion.

The CHAIRMAN. It is moved and seconded that the resolutions as presented be adopted. Are there any remarks?

Prof. RALEIGH C. MINOR. Mr. Chairman, would it not be well to have the resolution provide a means for expressing the preferences of the delegates? There is no method of expressing preferences mentioned in the resolution.

Mr. SCOTT. I omitted to state that if the resolutions are adopted, slips will be passed around, upon which the members may indicate their preferences in accordance with the questions that are printed in full and numbered on the program, and as soon as the slips

are collected the committee of three to be appointed by the chair can take them and arrange the membership of each committee in accordance with the preferences expressed on the slips.

The CHAIRMAN. Then of course the suggestions will be made to the committee of three to be appointed, and Dr. Scott has indicated how that preference may be made effectual. Are you ready for the question?

The resolutions were put and unanimously agreed to.

The CHAIRMAN. In pursuance of the resolutions which have just been adopted, the chair is required to appoint a committee of three to take into consideration the appointment and personnel of the different committees provided for in the program. Will you make nominations as to the membership of that committee?

Prof. F. W. AYMAR. I move that the committee be appointed by the chair.

The CHAIRMAN. It will be appointed by the chair, but the chair would like to know if there are any nominations to be made from the gentlemen here present? If not, the chair will try to appoint a suitable committee. In the absence of suggestion from the members, the chair will appoint President Warfield, of Lafayette College, Professor Wambaugh, of Harvard Law School, and Mr. Eliot, of Washington University, St. Louis. Slips will now be distributed to the members, which only delegates will sign, and in doing so they will take the printed program and indicate by number the committee upon which they desire membership.

Mr. SCOTT. Mr. Chairman, I would suggest that while the slips are being filled out and collected, and while the committee is engaged in framing the list of membership of the committees, the roll of membership of the conference be called.

The President of the Society, Mr. Root, sent invitations to American universities and colleges, requesting the appointment of a member of the faculty of each institution so addressed, a professor of international law or an instructor of international law, or a professor or instructor of political science, to represent the university or college officially at

this meeting. There was a very gratifying response to this request, and I would suggest, sir, with your permission, that we now call the roll.

The CHAIRMAN. You have heard the suggestion of Dr. Scott. It seems a good one, and if he will kindly call the roll the delegate representing each university will respond and indicate his presence.

The Secretary called the roll, and the following were present:

Boston University .....	JAMES F. COLBY
Clark University .....	GEORGE H. BLAKESLEE
Cornell University .....	SAMUEL P. ORTH
Dartmouth College .....	JAMES F. COLBY
Dickinson College .....	EUGENE A. NOBLE
George Washington University {	CHARLES NOBLE GREGORY
	C. H. STOCKTON
University of Georgia .....	H. A. NIX
Hamilton College .....	FRANK H. WOOD
Harvard University {	EUGENE WAMBAUGH
	GEORGE G. WILSON
University of Illinois .....	JAMES W. GARNER
Johns Hopkins University ....	JAMES BROWN SCOTT
University of Kansas .....	F. H. HODDER
Lafayette College .....	E. D. WARFIELD
Louisiana State University ....	ARTHUR T. PRESCOTT
University of Michigan .....	JESSE S. REEVES
University of Minnesota .....	WILLIAM A. SCHAPER
University of Missouri .....	JOHN D. LAWSON
University of Nebraska .....	EDWIN MAXEY
College of the City of New York	WALTER E. CLARK
New York University .....	F. W. AYMAR
Northwestern University .....	CHARLES CHENEY HYDE
University of Notre Dame ....	WILLIAM HOYNES
Oberlin College .....	KARL F. GEISER
University of Pennsylvania ....	LEO S. ROWE
University of Pittsburgh .....	FRANCIS N. THORPE
Princeton University .....	PHILIP BROWN
Swarthmore College .....	WILLIAM I. HULL
Syracuse University .....	EARL E. SPERRY
University of Texas .....	WILLIAM R. MANNING
Tufts College .....	ARTHUR I. ANDREWS
Union College .....	CHARLES J. HERRICK
University of Virginia .....	RALEIGH C. MINOR
Washington University .....	EDWARD C. ELIOT

Western Reserve University ... FRANCIS W. DICKEY  
 University of West Virginia.... JAMES M. CALLAHAN  
 University of Wisconsin ..... STANLEY K. HORNBECK  
 Yale University ..... GORDON E. SHERMAN

The following delegates subsequently reported and took part in the conference:

Brown University ..... JAMES C. DUNNING  
 University of California ..... ORRIN K. McMURRAY  
 University of Chicago ..... ERNST FREUND  
 Dartmouth College ..... FRANK A. UPDYKE  
 Lehigh University ..... JOHN L. STEWART

Mr. SCOTT. Mr. Chairman, you can see from the list of universities which I have had both the honor and the pleasure of reading, that the invitation has not been confined to any locality, but that institutions of learning in all parts of the country have been requested to participate in the conference, so that we might have the benefit of instructors not representing or being influenced by a particular locality, but, if I may say so, representatives of the views of the educated classes as a whole.

The CHAIRMAN. This is certainly a very gratifying response from the universities all over the country. It is a source of great pleasure to all of us to know that there are assembled here a body of men who are devoting themselves to the study of the great subject of international law, and international duties as well as international rights, over this broad land of ours, making themselves and educating others to be leaders of that public opinion which, rightly formed, is the only safety of democracies.

I have the list of preferences expressed by the delegates for appointment to the different committees, which I will hand to the chairman of the committee of three, and I suppose they will at once take them into consideration so as to act upon them and report to the meeting.

At the suggestion of Dr. Scott, I would like to say that it would be useful and fruitful perhaps if a general discussion might be had, or some discussion had on some of the topics that are naturally brought to the front in this general proposition of conferring upon educational



methods for the propagation of the knowledge of international law. There are many thoughts that will suggest themselves I am sure, and I have no doubt that those who think proper to address their fellows at this meeting will be heard with pleasure and profit.

Prof. JOHN D. LAWSON. May I suggest that in place of a discussion on these subjects, which are to be reported upon by the committees to be appointed, this body take a recess until the committee reporting the committees shall make its report, in order that we may have an opportunity of discussing among ourselves, perhaps, some of these points, and getting better acquainted. I therefore beg to move, sir, a recess until the committee reports.

Prof. HOYNES. I second the motion.

The motion being duly seconded was put and carried, and at 11:10 o'clock a.m. a recess was taken for ten minutes, after which the following occurred:

The CHAIRMAN. The committee of three is ready to report.

Dr. E. D. WARFIELD. Mr. Chairman, there are one or two preliminary points. In the first place, I would like to say that there are two cards handed in of persons who were not designated as representatives, and the committee, under the instructions, felt obliged to disregard their names.

With reference to the assignments, every man has been assigned to a committee, with a single exception, the committee being in doubt as to what his preference was.

The third point is, that I should like to emphasize the fact that the very large number who wish to be on Committee No. 1 made it necessary to put some of them on other committees, and it is still much the larger committee. Your committee would suggest that it will probably be desirable for those who were not present, as they come in, if they wish to be assigned to some committee, to present themselves to the Secretary, with the power in the Secretary to assign them to such committee as they may desire to serve upon.

The committees are composed as follows:

COMMITTEE No. 1.—To consider plans for increasing the facilities for the study of international law; for placing the instruction on a more uniform and scientific basis; and for drawing the line between undergraduate and graduate instruction.

WILLIAM I. HULL, Swarthmore College, *Chairman*.  
 WALTER E. CLARK, College of the City of New York.  
 KARL F. GEISER, Oberlin College.  
 CHARLES CHENEY HYDE, Northwestern University.  
 RALEIGH C. MINOR, University of Virginia.  
 JESSE S. REEVES, University of Michigan.  
 LEO S. ROWE, University of Pennsylvania.  
 WILLIAM A. SCHAPER, University of Minnesota.  
 GORDON E. SHERMAN, Yale University.  
 FRANK H. WOOD, Hamilton College.

COMMITTEE No. 2.—To consider the question of requiring a knowledge of the elements of international law for candidates for advanced degrees.

GEORGE H. BLAKESLEE, Clark University, *Chairman*.  
 JAMES W. GARNER, University of Illinois.  
 STANLEY K. HORNBECK, University of Wisconsin.

COMMITTEE No. 3.—To consider the advisability of urging all institutions with graduate courses in law to add a course in international law where not already given.

JAMES F. COLBY, Dartmouth College and Boston University,  
*Chairman*.  
 F. H. HODDER, University of Kansas.  
 WILLIAM HOYNES, University of Notre Dame.

COMMITTEE No. 4.—To consider the advisability of calling the attention of the State bar examiners to the importance of requiring some knowledge of the elements of international law in examinations for admission to the bar.

JOHN D. LAWSON, University of Missouri, *Chairman*.  
 CHARLES J. HERRICK, Union College.  
 EDWIN MAXEY, University of Nebraska.  
 H. A. NIX, University of Georgia.  
 SAMUEL P. ORTH, Cornell University.

COMMITTEE No. 5.—To consider the advisability of requesting the American Bar Association, through its appropriate committee, to consider the question of including the study of international law in its recommendations for a deeper and wider training for admission to the bar.

EDWARD C. ELIOT, Washington University, *Chairman*.  
 FRANCIS N. THORPE, University of Pittsburgh.  
 EUGENE WAMBAUGH, Harvard University.

COMMITTEE No. 6.—To consider the desirability and feasibility of plans for securing the services of professors of or lecturers on international law to whom can be assigned definite lecture periods in institutions where international law is not now taught or is inadequately taught—the services to rotate between institutions where they will be acceptable.

PHILIP BROWN, Princeton University, *Chairman*.

ARTHUR I. ANDREWS, Tufts College.

JAMES M. CALLAHAN, West Virginia University.

FRANCIS W. DICKEY, Western Reserve University.

ARTHUR T. PRESCOTT, Louisiana State University.

E. D. WARFIELD, Lafayette College.

COMMITTEE No. 7.—To consider the advisability of requesting universities which now have summer schools to include among the subjects offered courses on the elements of international law, and, if there be occasion for it, to offer advanced courses of interest and profit for advanced students and instructors.

WILLIAM R. MANNING, University of Texas, *Chairman*.

F. W. AYMAR, University of New York.

The CHAIRMAN. Gentlemen, you have heard the suggestions of the committee of three as to the membership of these special important committees. It is before the meeting for approval.

Dr. WARFIELD. I move that the report be received and that its recommendations be adopted.

The motion, being numerously seconded, was put and carried.

Mr. SCOTT. Might I suggest, without meaning to make a motion of adjournment, that at the adjournment this morning the members of the committees should make arrangements as to the time of meeting, so that quarters may be supplied for them. And might I make the further suggestion that if it be the desire of the conference to report Saturday morning instead of Friday afternoon it would be very agreeable to the Society, because a report that was to be taken up Saturday morning will not be discussed, so that that time is free. I thought perhaps that the committees would prefer to have a longer time to reflect upon and discuss these important matters.

Prof. HOYNES. I fully agree with Dr. Scott. I think Saturday would be a better time, as we wish to hear the proceedings of the Society.

The CHAIRMAN. If that be the wish of the gentlemen present, and if it be indicated by a motion that they prefer Saturday morning to the date suggested—Friday afternoon—we can entertain it now, so that it may be understood what the decision is.

Dr. WARFIELD. I move that the time of the report of the committees be changed from Friday afternoon until Saturday morning at the hour indicated.

Prof. HOYNES. I second that motion.

Dr. WARFIELD. I am one of those people that are used to making plans for meetings, and I always like to know what is in the minds of people who are making arrangements. I gather from the program that tomorrow afternoon will be free, and if it is desired to have a meeting tomorrow afternoon it is entirely agreeable to have it.

Now, if I may, as a representative of the committee, suggest a point. It is quite obvious to me, and I think to every member of the committee, that the interest of those who reported and made requests is largely on proposition No. 1, and I think it would be generally agreed that proposition No. 1 is the one of the greatest interest, and the one which will require more discussion, probably, while the others will very largely be in the nature of having a report made, which will probably fall upon the chairman of the committee to write. I will venture to throw out this inquiry, whether it might not be well, then, to set tomorrow afternoon for an opening meeting of Committee No. 1, the committee to bring forward what it has tried to consider, to lay it open for discussion and consideration, and then to have further opportunity to consider its work in the light of what may be produced at that meeting; for, certainly, No. 1 is the crux of the whole matter, as far as the interest on the subject to the schools and colleges of our country is concerned. I venture that suggestion.

The CHAIRMAN. Is there anything else to suggest in the light of what has been said?

Prof. HOYNES. It occurs to me that we all ought to be present when this subject is discussed, the subject which is referred to by the chair-

man of the first committee; and under the arrangement suggested it will be practically impossible to attend to the duties assigned to us and yet be here, and consequently getting together as was suggested by Dr. Scott. It appears to me that we ought either to fix Friday for the continuance of our work or the taking up of the suggestions, or Saturday morning. The Doctor suggested that we had three hours on Saturday morning. It appears to me we can go over the entire work by that time.

Consequently, I stand by the first resolution.

The CHAIRMAN. Of course this matter is for the delegates themselves. It is the understanding of the chair, from what has been said among the delegates, that if one or more committees are ready to report, the conference should meet on Friday afternoon to receive the report, and that would give more time and more leisure on Saturday for the discussion of what may prove to be of more importance, or the reports of committees which would present matters that require longer discussion before the whole conference. The committees that have already reported, of course, would be free to attend the meeting on Saturday morning, or at any other time after they have reported, as you have suggested, Mr. Hoynes.

Prof. HOYNES. Pending the assignment of quarters, I would suggest that the committees meet immediately on the adjournment of this morning's session in different parts of this hall.

Prof. ROWE. I think the suggestion that the committees get together here in this room in an informal way this morning is an excellent one.

The CHAIRMAN. If there is nothing to prevent that, I suppose each committee will get together as soon as possible after the adjournment, which will take place, I presume, in a short time.

As I understand the proposition before the delegates, any committee or committees that are ready to report on Friday afternoon may call a meeting. I will say that a meeting is to be had at that time to which they may make their report and thus be relieved of further delay in the matter, and be able to take part in the general discussion of subjects that are in the hands of other committees that have required

more time. If there is any objection to that suggestion or plan it can be made now. If not, it will be understood now that that is the plan.

Prof. ROWE. It seems to me that we ought to have a very definite understanding as to what to expect before we adjourn. I understand Mr. Warfield made a motion that we postpone the report of the committees until Saturday morning.

Dr. WARFIELD. I made that motion, and it has not yet been put.

The CHAIRMAN. I beg your pardon. I had forgotten that that motion was before the meeting.

Prof. ROWE. It seems to me that if we leave it so that we will have a meeting on Friday afternoon if perchance anybody should be ready to report at that time, we would have no meeting at all.

The CHAIRMAN. The chair, of course, has no opinion to express about that; it is a matter for the delegates. I had overlooked the fact that Dr. Warfield's motion was before the meeting, and that it provides that the reports should all be made on Saturday morning.

Prof. FRANK H. WOOD. In order to bring the matter to a definite point, I move as an amendment to Mr. Warfield's motion the suggestion that he subsequently made, namely, that Friday afternoon be made a special order for the report of Committee No. 1.

The motion was duly seconded.

The CHAIRMAN. Are you ready for the question on the amendment?

Prof. GORDON E. SHERMAN. How many are expected to be here, Mr. Chairman? Are all the committees expected to be present when Committee No. 1 reports? It is a question whether each committee should not meet and agree on the report to be made. If Committee No. 1 is to report here, all the other committees ought to be present to hear what the report is; and I think that ought to be settled and understood before we act definitely in regard to it.



Mr. SCOTT. I was going to take the liberty of expressing the desire on the part of the officers of the Society that all the members of the conference should be present at the presentation of each and every report, so that they might be discussed and perhaps amended, in various particulars, and be put in form for adoption by the conference, not merely by a particular committee thereof, but as a statement of its views on the point under discussion.

I would state, however, that you should not deprive yourselves of the largest amount of time at your disposal, so that you may be quite sure that the conclusions you have reached are those by which you will stand, rather than be impressed with the hope that they should be amended at some later time. If you believe that Friday afternoon will give you ample time, I will ask you to say so, so that it can be distinctly understood by all the members here. If you prefer, however—and it is for you to determine—Saturday morning, have that settled. If, as a matter of fact, you should prefer to continue the discussion Saturday afternoon, that will be agreeable to us. But just make your arrangements so that all may be present when anything is discussed.

Prof. EUGENE WAMBAUGH. I was disturbed as to the time when these committees should meet to discuss the matters assigned to them, and I cannot help wondering whether it would not be a good thing for the divisions, so to speak, to meet tomorrow afternoon at four o'clock to allow the subcommittees to meet between half past two and four, and then perhaps some of them will be able to report progress at four o'clock to the whole division.

A MEMBER. Will we not be in a better position to settle this twenty-four hours from now when we have reported that a committee is ready to report?

The CHAIRMAN. The question is upon the amendment that has been proposed by Dr. Warfield's motion. Will you please repeat that amendment, Mr. Wood?

Prof. WOOD. It was that the meeting on Friday afternoon be devoted to a consideration of the report of Committee No. 1. I recalled, however, after making the motion, it was suggested that after a free discussion here on Friday afternoon upon that subject the com-

mittee might wish to consider further and might wish to make an additional report on Saturday. Without embodying it properly in the motion, I cordially approve of that suggestion.

The CHAIRMAN. You have heard the amendment, and it has been duly seconded.

The motion for the adoption of the amendment was put and carried.

The CHAIRMAN. The question now recurs upon the original motion as amended.

The question on the original motion as amended, having been duly seconded, was put and carried.

Prof. ROWE. Would it be in order to request the Secretary to designate different parts of the room in which the committees should assemble immediately after the recess this morning. The difficulty is that the members are not acquainted with the names of their fellow-members.

Mr. SCOTT. (Indicating pillars in the room.) Post No. 1, 2, 3, 4, 5, 6, 7. That is a simple matter.

The CHAIRMAN. That is a good suggestion.

Prof. HOYNES. I think we are "posted" in regard to the matter, now.

Dr. WARFIELD. I would like to say that the Chairman has indicated one order of counting, and the Secretary the other.

Mr. SCOTT. Let post No. 1 be to the right hand of the Chairman.

The CHAIRMAN. Are there any motions to be made or suggestions before we adjourn?

If not, I would like to call on his excellency the Ambassador from Brazil, for a few remarks, as he is a guest of the Society.

REMARKS OF HIS EXCELLENCY, MR. D. DA GAMA,  
*Ambassador from Brazil*

Mr. Chairman and Gentlemen: I deeply appreciate the honor that is bestowed upon me by the chair of addressing such a learned body.

It gives me an impression of my college days when I often arose to address an assembly without any thought but of good will towards my companions.

Gentlemen, I am not a lawyer; I am not a jurist. I have simply practised international law, with a great respect for it and with the sentiment that there was an international law, and that my acts in some cases might be tested by the rules of the law of nations. I believe in a concrete international law. I believe in the sentiment that seeks to embody its exposition into a real code of the law of nations.

When I arrived in the United States I thought that Mr. Scott was running a journal as an organ for an international law that did not exist. Now I believe that there are more men than Mr. Scott in the United States who believe in international law.

I believe in international law, myself, in moments like this—a dramatic moment for the international politics of our government. Every man here is speaking of abstract questions, speaking in general terms, trying to settle rules and laws for future generations; but I think that I am also justified in saying that every one is thinking of the fact that at this moment the United States is testing its power to create an international rule in America. I can not discuss the political question, but I think that, as Senator Root so wisely said in opening this meeting, there are times when we feel the need of the belief, and the belief well founded in fact, that there must be a law of nations.

We Brazilians defended the equality of nations at The Hague. We said there were no small nations. It seems to me that one of the points that should be impressed upon the minds of the youth—since I am speaking to teachers, to educators of the national mind upon a certain definite branch of knowledge,—the notion that should be impressed upon the boys of the United States, is that all nations are equal in law and that there are neither small nor large Powers in the Society of Nations; that the respect of foreign rights corresponds to the claim for respect of national rights; that to every right corresponds a duty; and that international law simply defines the limits of international rights.

They say that in South America we make too much fuss about international law. It is perhaps an idealistic view of human purposes and dealings; but, really, we think that the law of nations is one of our safeguards in international life, and we have been studying it with

a sense of dignity and respect for other countries and respect for ourselves.

I am afraid I am speaking too long to you who know that so well, but my words are intended to show you the sympathy with which I follow your labors in the field of international law and to wish you pleasant occupation and the best results from it, so that it may justify your purpose of being the leaders of civilization in America.

Gentlemen, I thank you.

The CHAIRMAN. Is there any further business before the meeting at this time? If not, a motion to adjourn is in order.

On motion, duly made and seconded, a recess was taken until 2:30 o'clock p.m.

## SECOND SESSION

Friday, April 24, 1914, 2:30 o'clock p.m.

The conference was called to order at 2:30 o'clock p.m., Mr. JAMES BROWN SCOTT presiding.

The CHAIRMAN. Gentlemen, when we adjourned yesterday morning it was with the understanding that the committees which had terminated their labors should report this afternoon, leaving longer time to the committees that were not in a position to report, that is to say, to postpone the reports of such committees until tomorrow morning. The American Society of International Law was very happy to welcome you here and the appreciation of your conference was voiced by Mr. Root as President of the Society. Permit me to express again our sense of appreciation and the hope, if I dare not say belief, that the result of the labors of the conference will be of very great interest and advantage to international law in the United States.

Without further introduction I call upon any committee that is prepared to report.

### REPORT OF COMMITTEE NO. 1.

Prof. HULL. Mr. Chairman, Committee No. 1 has done me the honor of asking me to serve as its chairman, and in that capacity I would like to report several recommendations from the committee as a whole.

In the first place, our committee has decided to recommend to the conference that a committee of revision should be appointed for the consideration, or rather for the drafting, of the various propositions which will be made to the conference by the various committees. Of course, it seemed to the committee that the substance of the various suggestions should be discussed and agreed upon or rejected by the conference as a whole, but that a committee of revision should take the work of the conference and put the suggestions into better form than it is possible for them to be submitted within so short a period as we have had.

In the second place, our committee voted to recommend to this conference that the conference of teachers of international law should become a section of the American Society of International Law. I suppose that we would have to go from our conference to the Society, and that the recommendation then would be that we request the American

Society of International Law to accept this conference on the teaching of international law as a section of the Society itself.

Your Committee No. 1 felt that the work assigned to it was so wide in its scope and so very important that it voted to subdivide the committee into three subcommittees, each subcommittee taking up one of the three phases in resolution No. 1. The first subcommittee is to consider the plans for increasing the facilities for the study of international law; the second subcommittee for placing the instruction on a more uniform and scientific basis; and the third subcommittee for drawing a line between undergraduate and graduate instruction.

I was instructed by our committee also to say that it received such tremendous encouragement from the possibility of procuring the generous coöperation of the Carnegie Endowment that it went ahead and worked out a plan which, without such coöperation, the committee realized it would be utterly impossible for this conference or for the American Society of International Law at present to accomplish.

Our committee felt that this preliminary statement should be made in order that you might understand from the start why it was that we were so apparently bold as to outline such a plan as we have to present to you.

The chairmen of the subcommittees will present these specific plans to you, and Professor Minor, as chairman of the first subcommittee, will make a report for his subcommittee.

#### REPORT OF THE FIRST SUBCOMMITTEE OF COMMITTEE NO. 1

Prof. RALEIGH C. MINOR. Gentlemen of the conference: With respect to plans for increasing the facilities for the study of international law, the committee recommends the following:

##### *I. Library and Reference Facilities*

1. That a carefully prepared bibliography of international law and related subjects be published, with names of publishers and prices, so far as may be, with especial reference to the needs of poorly endowed libraries.

2. That there be published likewise a carefully prepared index or digest of the various heads and sub-heads in international law, with references to all standard sources of authority upon each head.

3. That there be published in as cheap a form as possible all documents of state, both foreign and domestic, especially Latin American, bearing upon international law, including the documents relating to arbitration, announcements of state policy and diplomatic correspondence; and that the aid of the State Department be solicited in securing copies of such foreign documents for publication.

4. That at short intervals a bulletin be published, containing excerpts from the Congressional Record and other current sources, giving re-



liable information upon international questions arising from time to time and the final disposition of such questions.

5. That a law reporter of international cases be issued.

## II. *Extension of Study of International Law*

The knowledge of international law may be extended in three ways: By increasing the number of schools at which such courses are given; by increasing the number of students in attendance upon the courses; and by diffusing the knowledge of its principles in the community at large.

As to the first, in addition to the measures already recommended, which the committee hopes will encourage more colleges to take up the study, it is suggested that the conference pass the following resolution and that a copy of the same be sent to each college and university in the country:

*Resolved*, That as the idea of direct government by the people grows, it becomes increasingly essential to the well being of the world that the leaders of opinion in each community should be familiar with the rights and obligations of states with respect to each other as recognized in international law, and hence it has become a patriotic duty resting upon our educational institutions of college grade to give as thorough and as extensive courses as possible in this subject.

With respect to the increase in the number of students taking such courses, the committee believes:

- (a) That a course in international law, where possible, should consist of at least one year's course divided between international law and diplomacy.

- (b) That prominent experts in international law be invited from time to time to lecture upon the subject at the several institutions.

Prof. HULL. Mr. Chairman, is it your desire that the complete report from our committee be presented before discussion?

The CHAIRMAN. I think it would be wise to have the report of each committee presented as an entirety before beginning the discussion; otherwise, the conference will not have an idea of the proper interrelation of each of the subjects mentioned and recommended. If it be the desire of the conference I shall request Professor Hull to proceed.

Prof. HULL. I desire to ask Professor Sherman to present the report of the second subcommittee.

## REPORT OF THE SECOND SUBCOMMITTEE OF COMMITTEE NO. 1.

Prof. SHERMAN. The report of this committee has to do with the placing of instruction in international law on a more uniform and scientific basis, and the committee ventures to make the following recommendations:

*I. In the teaching of international law emphasis should be laid upon the positive nature of the subject and the definiteness of the rules.*

Whether we regard the teaching of value as a disciplinary subject or from the standpoint of its importance in giving to the student a grasp of the rules that govern the relations between nations, it is important that he have impressed upon his mind the definiteness and positive character of the rules of international law. The teaching of international law should not be made the occasion for a universal peace propaganda. The interest of students and their enthusiasm for the subject can best be aroused by impressing upon them the evolutionary character of the rules of international law. Through such a presentation of the subject the student can be made to see how the development of positive rules of law governing the relations between states has contributed toward the maintenance of peace.

*II. In order to emphasize the positive character of international law, the widest possible use should be made of cases and concrete facts in international experience.*

The interest of students can best be aroused when they are convinced that they are dealing with the concrete facts of international experience. The marshalling of such facts in such a way as to illustrate general principles lends a dignity to the subject which can not help but have a stimulating influence.

Hence, international law instruction should be constantly illustrated from those sources which are recognized as ultimate authority, such as: (a) cases, both of judicial and arbitral determination; (b) treaties, protocols, acts and declarations of epoch-making congresses (Westphalia, 1648; Vienna, 1815-23; Paris, 1856; London, 1909); (c) diplomatic incidents ranking as precedents for action of international character; (d) the great classics of international law.

*III. In the teaching of international law care should be exercised to distinguish the accepted rules of international law from questions of international policy.*

This is particularly true of the teaching of international law in American institutions. There is a tendency to treat as rules of international law certain principles of American foreign policy. It is im-

portant that the line of division be clearly appreciated by the student. Courses in the foreign policy of the United States should therefore be distinctly separated from the courses in international law, and the principles of American foreign policy, when discussed in courses of international law, should always be tested by the rules which have received acceptance amongst civilized nations.

*IV. In a general course of international law the experience of no one country should be allowed to assume a consequence out of proportion to the strictly international principles it may illustrate.*

*V. Specific training for the teaching of international law.*

A major in international law in a university course leading to the degree of doctor of philosophy should be followed, if possible, by a residence at The Hague and attendance upon the Academy of International Law which is about to be established in that city. This highest international institution for developing a knowledge of international law was initiated at the Second Peace Conference at The Hague and has come into being largely through the efforts of the President and Recording Secretary of the American Society of International Law. No better means could possibly be devised for affording a just appreciation of the diverse national views of the system of international law or for developing the "international mind" which is so essential in a teacher of that subject. It is therefore the conviction of this conference that as many fellowships as possible should be established in the Academy at The Hague, and especially for the benefit of prospective American teachers and practitioners of international law.

*VI. The place of international law in the college or university curriculum.*

It is the conviction of this conference that the present development of higher education in the United States and the place which the United States has now assumed in the affairs of the society of nations, justifies and demands that the study of the science, and of the historic applications, of international law shall take its place on a plane of equality with other subjects in the college and university curriculum, and that professorships or departments devoted to its study should be established in every institution of higher learning. The experience with political science and political economy, both of which subjects have been accorded a place of equality, but both of which have achieved this place within a comparatively recent period, affords a precedent for a similar development in the teaching of international law.

Prof. HULL. May I ask that we now have the report from our third subcommittee, to be presented by Professor Reeves.

REPORT OF THE THIRD SUBCOMMITTEE OF COMMITTEE NO. 1.

Prof. JESSE S. REEVES. Mr. Chairman and Gentlemen: I may say that the work of the third subcommittee we found fitted in closely with the work of the first and second subcommittees, whose reports you have heard.

Assuming that the undergraduate curriculum provides for a course or courses in international law, as provided for by the report of the subcommittee No. 1, your subcommittee suggests that graduate instruction in international law concerns three classes of students:

First, graduate students in law;

Secondly, graduate students in international law and political science;

Thirdly, graduate students whose major subjects for an advanced degree are in other fields, that is, in history or in economics.

As to the first two classes, the graduate students have a direct professional interest in international law, many of them having in view either the teaching of the subject or engaging in active practice, or the public service. Therefore, we recommend as to those who would fall within the first two classes that the graduate work offered should be distinctively of original and research character, somewhat as outlined by the report of the second subcommittee; such work of training and research to follow upon a thorough training in the fundamental principles of the subject, as outlined by the report of subcommittee No. 1, that is, in either course or courses open to undergraduates.

As to those in the third class, however, a different situation presents itself, but the subcommittee felt that a knowledge of international law is of particular advantage to students of American history, and that therefore encouragement should be lent to graduate students in American history in the way of getting hold of some fundamental principles of international law. But, obviously, their major interests, lying elsewhere, the same kind of work, perhaps, could not be expected of them. At least, there might be in addition courses such as have been outlined for undergraduates covering at least one year's work in diplomacy and international law. There might well be an intermediate course, let us say, a more detailed course of purely graduate nature, a year, possibly, not one based wholly upon methods of original investigation or of research.

Prof. HULL. Mr. Chairman, this completes the report of Committee No. 1. May I say, in conclusion, that your committee and its several sub-committees have worked pretty hard and carefully over this matter and have had a number of sessions, and although they realize it is a

high standard which they have asked you to adopt, they believe that the time has fully come when every one of these steps should be taken.

The CHAIRMAN. Gentlemen, what is your pleasure? Shall we proceed to the discussion of the report of each subcommittee, considered as an entirety and as a sufficient part of a whole, or shall we proceed to the specific discussion of each recommendation in the order in which it was read?

Prof. HOYNES. Mr. Chairman, if it is not out of order for me to arise to respond to your question, it appears to me that if the other reports be read, although tomorrow was the day fixed for their presentation, it would enable us to concatenate them. It appears to me, Mr. Chairman, that the matter outlined by Committee No. 1 covers practically the work of the entire conference, and consequently if we could hear the other reports we would know how they fit in or supplement or develop the thoughts just stated by the committee that has reported to us. So, if they are ready, I think we ought to hear from them; if not, we might discuss the present report.

The CHAIRMAN. The chair would like to know the pleasure of the conference. Is it the desire to have each committee present a report in turn, and after the full reports have been read before the conference, to proceed to the discussion of each of the recommendations?

Prof. WOOD. I think the view of the chairman of each of the other committees might determine us in regard to that. We do not know, in the first place, whether any other committee is ready to report, and, in the second place, we do not know how the report of each committee may affect them; and therefore we should ask for the views of the chairmen.

The CHAIRMAN. If there be no objection, might I call upon each committee in its numerical turn?

Is Committee No. 2 ready to report?

Prof. STANLEY K. HORNBECK. I seem to be the only member of the committee present. The committee has come to its conclusion in regard to the matter, but I should much prefer that the matter be presented by Prof. Blakeslee, who is acting as chairman.

The CHAIRMAN. Without passing upon that matter just at present, the Chairman will ask if Committee No. 3 is ready to report?

Prof. JAMES F. COLBY. The committee is ready.

The CHAIRMAN. Committee No. 4?

Prof. LAWSON. The committee is ready.

The CHAIRMAN. Committee No. 5?

Prof. EDWARD C. ELIOT. That committee is ready to report.

The CHAIRMAN. Committee No. 6?

Prof. PHILIP BROWN. Mr. Chairman, I would just like to support the remark of Prof. Hoynes. We find that Committee No. 1 has been very catholic and conclusive in its labors, and as the findings of our committee would have a certain subordinate relation, perhaps, to the report of Committee No. 1, it would be very difficult to report at this time.

The CHAIRMAN. Committee No. 7? Is the chairman of Committee No. 7 present, or is there any member of it here?

(No response.)

The CHAIRMAN. Then, gentlemen, is there any objection to the procedure outlined by Prof. Hoynes and seconded by Prof. Brown? If there be no objection, the chair will consider that method as the desire of the conference. (After a pause) The chair hears no objection; therefore, each committee prepared to report will be called upon in turn.

Committee No. 2.

Prof. HORNBECK. Is it desired that I report in the absence of the chairman of the committee? It was not understood, I think, that reports were to be presented at this session of the conference.



The CHAIRMAN. The chair would suggest that you present a brief statement of the conclusions of Committee No. 2, leaving the committee free to bring in its formal report, either later in the afternoon or tomorrow morning, as it appears to be the desire of the conference to be informed of the general nature of the report of each committee before embarking upon any detailed discussion. If there be no objection to that ruling, the chair will ask Prof. Hornbeck to come forward and to present what he considers to be a preliminary report.

Prof. HORNBECK. Mr. Chairman and gentlemen of the conference: I have in hand a draft of the report, but as the two senior members of this committee are absent and I have not checked this up finally, I shall summarize it, as I suppose it is merely your wish to get at the conclusions of the committee.

The question which was submitted to us to consider was the question of requiring a knowledge of the elements of international law for candidates for advanced degrees.

After some discussion of the question, we agreed substantially to recommend that colleges and universities offer in their graduate school a course in international law; but we were averse to recommend it either for all candidates or any candidate for an advanced degree. That is, to recommend that it be made a required subject of graduate schools.

However, we do not consider that that by any means disposes of the question, and we proceeded to agree upon a recommendation that a letter be sent out, with the authority of this conference, urging upon both faculties and graduate students to give due consideration to the great and growing importance of this subject. To our minds, at least, all students working in those fields, which are generally grouped under the term "social science,"—by which we mean specifically, political science, law, political economy, history and sociology—ought to have a knowledge of international law and we believe that this conference should recommend that greater consideration be given to the importance of this study than has been heretofore given. We also agreed that such a letter be drafted by the Secretary of the Society and sent to all of the professors of these subjects in the colleges and universities of the country.

Finally, we would suggest that an article by Senator Root, which appeared in the first number of the *American Journal of International*

Law, upon the importance of the study of international law, be reprinted, if possible, and sent out accompanying this letter.

Those are the three things which we would recommend in connection with this question.

The CHAIRMAN. Might the chair ask Prof. Hornbeck if his committee would have any objection to enlarging the recommendation a little by the inclusion of Mr. Root's address on opening the conference? It is true that Mr. Root's paper referred to, which appeared in the first number of the American Journal of International Law, pointed out the advantages, indeed the necessity, of a wider knowledge of international law; but his address on opening the conference left generalities and went into details, and if it be not considered inappropriate for the chair to take part in the proceedings of your committee, I would like to suggest that, in addition to the first article referred to, Mr. Root's address on opening the conference be likewise included in the recommendation. I would ask, if there be no objection, that your committee consider that recommendation.

Prof. HORNBECK. For my part, I would answer that the committee would be very glad indeed to entertain that suggestion.

The CHAIRMAN. Committee No. 3.

#### REPORT OF COMMITTEE NO. 3.

Prof. JAMES F. COLBY. Mr. Chairman, the subject referred to your committee was of very limited character and comprises the question of the advisability of urging all institutions with graduate courses in law to add a course in international law where not already given.

In view of the circumstances that whatever answer be given to this particular question by your committee and approved by the conference, it would naturally be embodied as a part of the proposal of Committee No. 1, it seemed to the members of this particular committee that it would discharge its duty in such wise as to facilitate business if it limited itself to stating its conclusion in the form of a simple resolution. On behalf of the committee, therefore, I move the following:

*Resolved*, That in view of the increasing importance of a knowledge of international law to all persons who plan to devote themselves to the administration of justice, and who, through their professional occupation, may contribute largely to the formation

of public opinion, and who often will be vested with the highest offices in the State and nation, this conference earnestly requests all law schools which now offer no instruction in international law to add to their curriculum a thorough course in that subject; and it also urges all institutions which now offer any other graduate courses in law to make ample provision for an advanced course in international law.

The CHAIRMAN. Committee No. 4.

#### REPORT OF COMMITTEE NO. 4.

Prof. JOHN D. LAWSON. Mr. Chairman and Gentlemen: When we were requested to state our preference as to the committees we would serve on, I at once put down for myself Committee No. 4, because I felt that from my experience as a teacher in the State law school for more than twenty years it was most important that the subject of bar examinations should be considered by this conference, and that its importance should be realized.

Of course we who are many years out of law schools had never heard of such a thing as studying international law a quarter of a century ago, and it was not until about fifteen years ago that I happened to get hold of a first edition of Mr. Lawrence's book. I read it with a great deal of interest, and then I read more on the subject, and I finally brought the question before our faculty to see if we could not have international law a subject in our school. We did so, and made it a required subject. While the course was rather elemental at first, consisting of lectures, in a year or two we had references to Scott's *Cases on International Law*. It excited a great deal of interest among our students, and the full senior class got a fair instruction in the subject.

When we, a few years ago, extended our course to three years, it was found that we had to have some lectures, and it was thought it would be necessary to put those things on the lecture course which were not required for the bar examination; because you know, gentlemen, that in our State schools in the West, and I suppose it is the same way with most other schools, the students are going to the bar. We do not train teachers in our schools. Every man expects to go to the bar. As soon as we made the course elective, the class of fifty or sixty at once fell to five or six, because the men felt that they must devote their time to those subjects which they would have to pass in the bar examinations. I was rather amused the first year at the condition. We had a course on insurance, which was elective, as was also the course on international law, and the class in insurance numbered about forty and the class in international law about five or six. The reason was, the young men were going to the bar at once, and wanted

to earn their daily bread, and they felt that insurance was a practical field and that international law was not.

The committee, however, having considered the subject, are agreed that it is most important that this particular resolution shall be passed, for if you are going to have a knowledge of international law diffused among the bar it will have to be done in this way, because only a small proportion of those who take the bar examinations come from the recognized law schools.

Then, you must consider how largely public opinion of the day is made by the lawyers of the community, especially in the smaller towns of the country. If, for example, today there were a subject presenting itself to our people throughout the country in regard to our foreign relations, there would be town meetings called in the court house or in the public hall, and it would be the lawyer that would be called upon to express his opinion on the subject.

Therefore, our committee has unanimously reported this resolution:

Your Committee No. 4 recommends the following resolution: That the attention of the State bar examiners and of the bodies whose duty it is to prescribe the subjects of examination be called to the importance of requiring some knowledge of the elements of international law in examinations for admission to the bar, and that they be urged to make international law one of the prescribed subjects.

Sometimes in the State statutes regarding admission to the bar, the matter of the subjects is left to the bar examiners, but in many States, as in Missouri, the subjects are prescribed by the Supreme Court; so it is not only to the bar examiners, but to the Supreme Courts of the States, that this resolution should be addressed.

The CHAIRMAN. We are ready to hear from Committee No. 5.

#### REPORT OF COMMITTEE NO. 5.

Prof. E. C. ELIOT. Gentlemen, the subject of this committee is closely allied to that of Committee No. 4, and relates to the requirements for admission to the bar. The committee on the advisability of requesting the American Bar Association, through its appropriate committee, to consider the question of including the study of international law in its recommendations for a deeper and wider training for admission to the bar, recommends the adoption of the following resolution:

*Resolved*, That this conference on the teaching of international law requests the American Bar Association to take appropriate

action toward including international law among the subjects taught in the law schools and required for admission to the bar.

I may say that one of the members of the committee had heretofore taken considerable pains to look into the question of how far international law has entered into the subject of judicial determination, particularly in our Federal courts, and that if he were to speak on the subject I am satisfied he would say that investigation in that respect convinces him that every lawyer ought to have some knowledge upon this subject; and the committee has made its report in this way in the hope that the conference will take the action which will result in bringing the matter to the attention of the American Bar Association.

The CHAIRMAN. We will hear Professor Brown on behalf of Committee No. 6.

#### REPORT OF COMMITTEE No. 6.

Prof. PHILIP BROWN. Mr. Chairman and Gentlemen: In reporting I wish to say that the McGregor who sits at the head of this particular table is undoubtedly Mr. Warfield, but as he was unable to be here to report, he insisted, with the committee, on my acting as spokesman. I do not understand that any discussion of the report is expected this afternoon, or any statement, beyond the brief statement, that this committee has gone over individually a great many features of this question, and we have aimed only to report our conclusions, which we do, unanimously.

1. Your committee thinks it desirable, upon the initiative of institutions where instruction in international law is lacking, to take steps toward providing such instruction by visiting professors or lecturers. This instruction should be given in courses, and not in single lectures, upon substantive principles, not upon popular questions of momentary interest, and in a scientific spirit, not in the interest of any propaganda.

2. With respect to the feasibility of this plan, it is suggested that members of this Society, qualified by professional training, might be willing to give these courses, upon the invitation of the Executive Council, if some provision be made (through the establishment of lectureships or otherwise) to bear the necessary expense of the undertaking.

3. We therefore suggest that a committee, upon which there shall be adequate representation of those engaged in the teaching of international law, be appointed by the Executive Council of this Society to ascertain the institutions in need of additional instruction in international law, and endeavor to find means of affording such assistance as may be necessary to the instructing staff of the said institutions or of supplying this additional instruction by lecturers chosen by this committee and approved by the Executive Council.

4. We also suggest that steps be taken to bring to the attention of every college not offering at present instruction in international law the importance of this subject and the readiness of this Society to co-operate with such institutions in introducing or stimulating instruction.

The CHAIRMAN. Committee No. 7. If I remember aright, Committee No. 7 did not respond to the call.

Gentlemen, you have heard the reports of the different committees, or at least the reports of six of the committees. What is your pleasure? What will you do with them?

It was moved and seconded that the report of Committee No. 1 be accepted.

The CHAIRMAN. Is there any discussion?

Prof. GEORGE G. WILSON. May I ask if all of these reports may be considered by some committee, and that they subsequently be brought into harmony? There are apparently some points where there may be overlapping.

The CHAIRMAN. The chair would call to Professor Wilson's attention that before he honored us with his presence this afternoon Mr. Hull, as chairman of Committee No. 1, made a motion or declared an intention on the part of his committee to request the appointment of a revising or drafting committee.

Prof. HULL. By the Chairman.

The CHAIRMAN. By the chair, upon suggestions from the floor, the chair would add. Is there any desire for discussion? If not, the report of the Committee No. 1 will be considered as received. Is it your desire, gentlemen, to proceed to the discussion of the recommendations contained in the report of Committee No. 1?

If the chair hears no objection, we will consider it to be the desire of the conference to proceed to a re-reading and a discussion of the resolutions contained in the report of the Committee No. 1. (After a pause) There being no objection to that method of procedure, the chair calls upon Professor Hull to state the resolutions of the Committee and to open the discussion.



Prof. HULL. Our first resolution was that this conference should appoint, through its Chairman, a committee of revision for the various propositions to be presented. We make that motion.

The motion was duly seconded.

The CHAIRMAN. The committee is to consist of how many?

Prof. HULL. Seven.

The CHAIRMAN. The chair would like to suggest that that committee of seven be composed of the chairmen of the committees, and that they be appointed in order to consider the resolutions and to prepare them in final form after they shall have been adopted by the conference.

Prof. WOOD. The committee considered the matter of making the chairmen of the various committees members of this committee on revision, but felt that it might be possible that in some cases such chairmen might not be able to attend a meeting or might be so distant that it might not be feasible to work together, and that therefore it would be wiser to leave the matter to the Chairman. Of course he would be qualified to appoint the chairmen of these committees if he so desired.

Prof. HOYNES. The suggestion last made by the gentleman appears to me to be eminently sound and correct, because you ought to be able to reach the members who revise the work of the committees, at any time. They ought to be able to communicate with you. It is a very sound suggestion, I think.

The CHAIRMAN. If there be no further discussion upon the motion, we will proceed to a vote. But before doing so, the chair states it to be his intention to appoint as members of that committee the chairmen of the seven committees, in so far as they will consent to serve.

The motion, having been duly seconded, was put and carried.

Prof. HULL. The second recommendation was that this conference should request the American Society of International Law to constitute this conference a section or department of that Society.

The CHAIRMAN. Is there any second to that recommendation?  
The motion was duly seconded.

Prof. WOOD. I would like to make an explanation. Someone asked just what the significance of this action was. It is significant in several directions. In the first place, it is intended to make this conference a periodical and permanent affair. We have found it profitable and inspiring. In the second place, these various recommendations from Committee No. 1 involve a very large amount of publication, which will need the direction of men who are engaged in teaching and men who will be able to do exactly what is desired and to select the sort of material they want, and to exercise control over that matter. The financial side of it promises to be cared for, but it is desired that the teachers of international law themselves shall prescribe what the publications shall be, and it was with a view of getting an organization which could fairly bring about that result that this recommendation was made.

The CHAIRMAN. Is there any desire for discussion? If not, the question will be put.

Prof. WALTER E. CLARK. I might ask, Mr. Chairman, whether the intention was not rather to request the Society to form a section or division of legal education, rather than simply to constitute this conference a section of that Society. Was it not the intent that there be formed a division on legal education, rather than that this conference constitute a division of that association?

The CHAIRMAN. I shall have to ask the mover of the resolution for an explanation.

Prof. HULL. We followed the resolution as printed in the program—the conference on the teaching of international law in the educational institutions of the United States—and the recommendation was that this conference should ask to be made a section or department of the American Society of International Law, under that name or under some other name, as might be decided upon.

The CHAIRMAN. If the chair might take part, in a very informal manner, in this discussion, the desire apparently is that the conference,

which has been considered as fruitful, should be continued, and that the teachers of international law should meet at periodic intervals, without attempting at this time to prescribe such periods. The chair understands from Professor Hull that the conference as such is to be made a section, whereas the statement of Professor Clark is to the effect that the Society of International Law should, in its discretion, acting upon the recommendation here made, appoint a committee to constitute a section of the Society of a kind calculated and qualified to carry on the work of the Society. There is a slight difference in the form, but perhaps there is no real difference in effect. It might be well to vote upon one proposition or the other, or the conference might be willing to leave it to the Executive Council of the American Society of International Law to give effect to the desire of the conference, either in accordance with the resolution of Professor Hull or in accordance with the suggestion of Professor Clark, as might appear best calculated to carry out the purpose of the recommendation? I merely make that as a suggestion, but I do not at all stand upon it.

Prof. HULL. I am sorry to be obliged to offer an apology to my committee and to this conference. I hold in my hand the substitute resolution which was adopted. Professor Clark is entirely right. We adopted the other resolution first, and afterwards substituted this one:

*Resolved*, That this committee support a resolution calling on the conference to request the American Society of International Law to form at this meeting a division of legal education, on lines suggested by this committee's report.

The resolution was seconded.

The CHAIRMAN. If there is no objection, this shall be considered the motion before the conference, the other one being withdrawn in peculiarly graceful and happy terms; and if there is no desire for further discussion the chair will put the question.

The resolution, having been duly seconded, was put and carried.

Prof. HULL. Our next recommendation is in regard to library and reference facilities. The resolution is as follows:

1. That a carefully prepared bibliography of international law and related subjects be published, with names of publishers and prices, so far as may be, with especial reference to the needs of poorly endowed libraries.

2. That there be published likewise a carefully prepared index or digest of the various heads and subheads in international law, with references, to all standard sources of authority upon each head.

3. That there be published in as cheap a form as possible all documents of state, both foreign and domestic, especially Latin American, bearing upon international law, including the documents relating to arbitration, announcements of state policy and diplomatic correspondence; and that the aid of the State Department be solicited in securing copies of such foreign documents for publication.

4. That at short intervals a bulletin be published, containing excerpts from the Congressional Record and other current sources, giving reliable information upon international questions arising from time to time and the final disposition of such questions.

5. That a law reporter of international cases be issued.

The CHAIRMAN. You have heard, gentlemen, the resolution. What is your pleasure?

A MEMBER. I move its adoption.

The motion was duly seconded.

Prof. HOYNES. I would like to ask a question. Would the publications contemplated and suggested in the resolution read include the treaties negotiated by this country from the beginning, with brief references to the subjects covered? That would be a matter of great interest to law students, and I do not know of any that they could readily secure at the present time. They would be of great service to students in law schools and would greatly aid them in becoming familiar with the forms and phraseology of treaties and in understanding conventional international law. I would like to ask Prof. Hull whether that is contemplated.

Prof. HULL. I should say, Mr. Chairman, that the statements in this resolution would provide for that specific service if it were deemed desirable.

The CHAIRMAN. The chair would like to suggest that a collection of treaties and papers of the United States, edited by the late Mr. Malloy, in two volumes, practically covers the ground from 1776 to

1909, and that the Senate Committee on Foreign Relations has issued a supplement thereto and has, I believe, the intention of continuing to issue supplements as the number of treaties will suggest. So that that part of the work will be taken care of.

The chair understands that there is no desire for further discussion?

(No response.)

The motion on the adoption of the resolution last above recorded, having been duly seconded, was put and carried.

Prof. HULL. Secondly, the extension of the study of international law.

The knowledge of international law may be extended in three ways: By increasing the number of schools at which such courses are given; by increasing the number of students in attendance upon the courses; and by diffusing the knowledge of its principles in the community at large.

As to the first, in addition to the measures already recommended which the committee hopes will encourage more colleges to take up the study, it is suggested that the conference pass the following resolution and that a copy of the same be sent to each college and university in the country:

*"Resolved,* That as the idea of direct government by the people grows, it becomes increasingly essential to the well-being of the world that the leaders of opinion in each community should be familiar with the rights and obligations of states with respect to each other as recognized in international law, and hence it has become a patriotic duty resting upon our educational institutions of college grade to give as thorough and as extensive courses as possible in this subject."

With respect to the increase in the number of students taking such courses, the committee believes—

(a) That a course in international law where possible, should consist of at least one year's course divided between international law and diplomacy;

(b) That prominent experts in international law be invited from time to time to lecture upon this subject at the several institutions.

Prof. F. W. DICKEY. Mr. Chairman, may I inquire what the committee means by the expression "direct government"? Is that term general?

The CHAIRMAN. The chair would venture to suggest that the term "direct government" has no reference to any particular form or way in which such government shall be secured; but if it be necessary, there can accompany it a disclaimer of what you had in mind but did not express.

The adoption of the resolution was moved and seconded.

Prof. ELIOT. There is one line in this report the meaning of which I do not clearly understand. The recommendation of the committee is that the subject receive the attention of schools at least to the extent of devoting a year to international law and diplomacy. I think that is correct?

Prof. HULL. Yes.

Prof. ELIOT. I do not quite apprehend whether the committee means a year of exclusive study of these two subjects, that is, irrespective of any other subjects, or simply means a year's full course upon such subjects.

Prof. HULL. It was the latter.

Prof. ELIOT. Perhaps that ought to be made clear.

Prof. HULL. It ought to indeed, sir. The committee means a year's course.

The CHAIRMAN. The chair would like to express his thanks to Mr. Eliot. He had supposed the intention was otherwise.

As explained and as somewhat modified in expression, the resolution is before the conference. It has already been moved and seconded that it be adopted.

The question on the adoption of the resolution last moved, having been duly seconded, was put and carried.

Prof. HULL. The next recommendation is:

I. In the teaching of international law emphasis should be laid upon the positive nature of the subject and the definiteness of the rules.



Whether we regard the teaching of value as a disciplinary subject or from the standpoint of its importance in giving to the student a grasp of the rules that govern the relations between nations, it is important that he have impressed upon his mind the definiteness and positive character of the rules of international law. The teaching of international law should not be made the occasion for a universal peace propaganda. The interest of students and their enthusiasm for the subject can best be aroused by impressing upon them the evolutionary character of the rules of international law. Through such a presentation of the subject the student can be made to see how the development of positive rules of law governing the relations between states has contributed towards the maintenance of peace.

II. In order to emphasize the positive character of international law, the widest possible use should be made of cases and concrete facts in international experience.

The interest of students can best be aroused when they are convinced that they are dealing with the concrete facts of international experience. The marshalling of such facts in such a way as to illustrate general principles lends a dignity to the subject which cannot help but have a stimulating influence.

Hence, international law instruction should be constantly illustrated from those sources which are recognized as ultimate authority, such as: (a) cases, both of judicial and arbitral determination; (b) treaties, protocols, acts, and declarations of epoch-making congresses (Westphalia, 1648; Vienna, 1815; Paris, 1856; London, 1909); (c) diplomatic incidents ranking as precedents for action of international character; (d) the great classics of international law.

III. In the teaching of international law care should be exercised to distinguish the accepted rules of international law from questions of international policy.

This is particularly true of the teaching of international law in American institutions. There is a tendency to treat as rules of international law certain principles of American foreign policy. It is important that the line of division be clearly appreciated by the student. Courses in the foreign policy of the United States should therefore be distinctly separated from the courses in international law, and the principles of American foreign policy, when discussed in courses of international law, should always be tested by the rules which have received acceptance amongst civilized nations.

IV. In a general course of international law the experience of no one country should be allowed to assume a consequence out of proportion to the strictly international principles it may illustrate.

The CHAIRMAN. You have heard the recommendation, gentlemen. What is your pleasure?

Prof. HOYNES. I do not wish to appear critical at all, but it appears to me that the latter part of the resolution there read is rather didactic in form. It appears to me to be out of place to state it in the way in which it is stated. I have no objection to the spirit of it, but I think that there is ground for objecting to the didactic form of it; that is, stating that this or that method of teaching would lead to such and such consequences. I leave it to the good judgment of the conference whether that is proper.

The CHAIRMAN. The chair would make the suggestion that the remarks of Mr. Hoynes on this point be conveyed to the Committee of Revision for its consideration in the final draft. I think that would meet with your desire?

Prof. HOYNES. That would be sufficient, yes.

The CHAIRMAN. Is there any further discussion?

Mr. FENWICK. Is it permitted of one who is not a delegate to make any remarks?

The CHAIRMAN. The question has not arisen, and if you will continue your remarks it will not be decided until after you have spoken.

Mr. FENWICK. It seems to me, sir, that attention might be called to the difference between the course in international law as given in a law school and the course as given in a department of political science in a college or graded university course. The aim of the teaching in the two schools is quite distinct, and the use of the case-book in the law school may be much more free and of much more advantage than in the department of political science. In the law school the student is primarily interested in the prevailing theory of international law, or the actual theory in force at the present day. Tradition and custom and the growth of the law are not of so much importance to him. Consequently, the case-book system may be much more widely used to advantage, because the student is primarily interested in knowing just how the court will treat of certain questions if they arise.

On the other hand, in the department of political science, a professor may be interested in showing the growth of the law and how certain accepted rules at the present day have little by little come into force, first through usage and then through custom, and in showing the principles of international law and the way in which they have grown and developed and the probable lines along which they will follow.

I think it would be a mistake if too much emphasis were laid on the case-book system in courses given in the department of political science. If you will notice, in running through a large case-book, you will find that probably one-third of the whole field is covered by cases, and in many instances the other two-thirds are touched upon only very little and incidentally. Consequently the student comes away with a very inadequate knowledge of international law.

A large part of international law never comes before the courts. As a matter of fact, international law only comes directly before the courts in a very few instances, and consequently you might go through a whole case-book thoroughly and yet the student may come away with a very inadequate knowledge of a large part of international law which has developed from custom and treaty, little by little, but which has never come before the courts.

I suggest that perhaps that difference in the method of teaching international law might be pointed out in the resolution.

Mr. REEVES. Mr. Chairman, I am very much interested in the teaching of international law, not only to law students, but to students in political science work, and I was very much pleased that the committee did stress the teaching by means of the case-book, or at least did give importance or emphasis to the case system in the teaching of international law. While I agree with what the last speaker has said with reference to the fact that adjudicated cases do not cover, by any means, all of the subjects of international law, yet, after all, it seems to me that a discussion of the difference between an inductive way of getting at the thing and a deductive way is to go back into the very old discussions of methods of legal training. I think there is one thing necessary in the teaching of international law to students of political science, which is that they get for a little while, even if they should lose it soon, a legal way of looking at things. I should deplore very much this conference going on record in such a fashion as to fail to emphasize the

importance of the inductive methods in the teaching of international law, even for those who are not professional students of law and never intend to be.

I realize that perhaps it is not easy to make a contact, particularly with undergraduates in political science, with this system of teaching international law, but I consider that the mental training which undergraduate students get by means of the case system of teaching international law is an invaluable mental training. I have seen courses in international law, largely didactic, conducted by means of lectures and by the use of case-books, which—it may have been the fault of the teacher—acquired the reputation of being a “snap.” I know in my own days as an undergraduate that what little international law was given had the reputation of being a snap course.

As I take it, international law is being taught everywhere in this country with the idea of developing independent judgment on the part of young men. That principle is, after all, one of the great things that lead to the inductive method. I very much dislike to see this conference going on record with reference to methods in international law without at least calling attention to the importance of inductive methods, the way of training for sound, rational judgment on the part of the student, whether he be a law student professionally or whether he be a mere undergraduate student of political science.

Prof. HULL. Mr. Chairman, may I read the phraseology of the recommendation which bears on that point? I think it was written by Professor Sherman.

The CHAIRMAN. Certainly.

Prof. HULL (Reading):

In order to emphasize the positive character of international law, the widest possible use should be made of cases and concrete facts in international experience.

The interest of students can best be aroused when they are convinced that they are dealing with the concrete facts of international experience. The marshaling of such facts in such a way as to illustrate general principles lends a dignity to the subject which can not help but have a stimulating influence.

Hence, international law instruction should be constantly illustrated from those sources which are recognized as ultimate authority, such as: (a) cases, both of judicial and arbitral de-

termination; (b) treaties, protocols, acts, and declarations of epoch-making congresses (Westphalia, 1648; Vienna, 1815; Paris, 1856; London, 1909); (c) diplomatic incidents ranking as precedents for action of international character; (d) the great classics of international law.

Prof. HULL. The language of the recommendation would permit more or less use, for illustrative purposes, of the two kinds of classes that have just been referred to.

The CHAIRMAN. The chair, without participating in the discussion or attempting to guide it, would nevertheless like to express his personal opinion to the effect that the language of the resolution seems admirably calculated to call attention to the different sources to which reference may be made in order to develop or to illustrate the matter in hand; and without, however, seeking to secure the acceptance of any one method, it seemed to me, as I heard it read, that it was a very happy statement of what might be done.

If there is no further discussion—and I hear no request for any—I will put the question on the recommendations as they stand. All in favor of them will say aye; contrary minded, no.

The motion on the approval of the recommendations was adopted.

Prof. HULL. The next recommendation of the committee is with reference to specific training for the teaching of international law.

A major in international law in a university course leading to the degree of doctor of philosophy should be followed, if possible, by a residence at The Hague and attendance upon the Academy of International Law which is about to be established in that city. This highest international institution for developing a knowledge of international law was initiated at the Second Peace Conference at The Hague and has come into being largely through the efforts of the President and Recording Secretary of the American Society of International Law. No better means could possibly be devised for affording a just appreciation of the diverse national views of the system of international law or for developing that "international mind" which is so essential in a teacher of that subject.

It is therefore the conviction of this conference that as many fellowships as possible should be established in the Academy at The Hague, and especially for the benefit of prospective American teachers and practitioners of international law.

The CHAIRMAN. Are there any comments upon that resolution? It was moved and seconded that the recommendation be adopted and the motion was put and carried.

The CHAIRMAN. The chair did not like to make any remarks about the Academy of International Law at The Hague while this recommendation was before the conference for consideration, because he did not prepare this resolution and would not, for certain reasons, venture to suggest it himself; but inasmuch as it has been prepared and has been recommended, I would like to make a very few observations upon the subject-matter of the resolution.

At the Second Hague Peace Conference there was a proposal made by a distinguished gentleman, at the time Prime Minister of Roumania, that an academy of international law be established at The Hague to serve as an intermediary between theoretical and practical instruction, and as a bond between the Conference, on the one hand, and the Permanent Court of Arbitration, on the other.

The conference was so busy with other matters that it could not, or, at least, did not, discuss the question, although it appeared to be favorably received, and the proposal was included in the official proceedings of the Conference as published by the Dutch Government.

Some two or three years ago a Dutch committee, of which the late Mr. Asser was chairman, was appointed to consider the wisdom of establishing such an academy and the form it should take if established. As the result of very much discussion and great consideration, a meeting was held at The Hague in January of this year—a joint meeting of the Dutch committee having the matter in hand and a selected body of the Institute of International Law, with the result that a constitution, or what is called in Continental parlance, a series of statutes, providing for the foundation of the academy was drawn up, and on the 26th day of January the academy was founded according to Dutch law.

The course of instruction is to cover the field of international law and related subjects, especially questions of international law as discussed and decided by international conferences and arbitral courts. The instruction will be given in the summer months of each year, so as not to compete with any European or American university of the same or somewhat related kind. A faculty will be chosen from year to year, no two members of which will belong to the same country.



The Academy itself is under the control of a body of trustees, called a curatorium, consisting of twelve members, no two of whom will come from the same country.

In other words, international law is to be taught by eminent lectures and professors, of different nationalities; and in order to secure the observance of this regulation, the officers of the Academy have appointed a committee, called the Curatorium, composed of persons of different nationalities, to prepare the program and to select the lecturers and instructors. We may therefore hope that, while special interests will no doubt be considered by the lecturers and by the professors, the presence of lecturers and practitioners of different nationalities will tend to counteract such views, if expressed. In other words, that international law will be internationalized.

The student body, it is hoped, will be drawn from students of European and American universities who have had considerable training in international law, and it is believed that the governments will be willing to take an interest in the Academy and its successful operation to the extent of designating certain of its official personnel to attend the courses; and negotiations are on foot through the Netherland Government to obtain the coöperation of the governments to this extent.

The great need is, I think, fellowships or scholarships, a matter which has occupied the attention of the founders and of the curatorium. It is hoped that the generosity of enlightened persons in the different countries may result in the creation of scholarships and fellowships.

I should like to say, gentlemen, if I may, that I am extremely happy over this recommendation, and in conclusion I beg to assure you again, that I was not a party to it, although I certainly do approve of it.

Prof. HULL. The next resolution is in regard to the place of international law in the college or university curriculum. The resolution is as follows:

It is the conviction of this conference that the present development of higher education in the United States and the place which the United States has now assumed in the affairs of the society of nations justifies and demands that the study of the science, and of the historic applications, of international law shall take its place on a plane of equality with other subjects in the

college and university curriculum, and that professorships or departments devoted to its study should be established in every institution of higher learning. The experience with political science and political economy, both of which subjects have been accorded a place of equality, but both of which have achieved this place within a comparatively recent period, affords a precedent for a similar development in the teaching of international law.

The CHAIRMAN. Gentlemen, you have heard this resolution dealing with the feasibility of chairs of international law. Do I hear a motion for its adoption?

It was moved and seconded that the resolution be adopted, and the question on the adoption of the resolution was put and carried.

Prof. HULL. For our last recommendation I will ask Prof. Reeves if he will kindly present the resolution.

Prof. REEVES. Mr. Chairman, this is not in the form of a resolution, but rather in the form of recommendations. I shall read it practically as I have read it before.

Assuming that the undergraduate curriculum includes a course in international law as recommended by the report of subcommittee No. 1, your committee suggests that graduate instruction in international law concerns three groups of students:

- (a) Graduate students in law;
- (b) Graduate students in international law and political science;
- (c) Graduate students whose major subjects for an advanced degree are in other fields, *e. g.*, history or economics.

The first two groups have a professional interest in international law, many having in view the teaching of the subject, its practice, or the public service. Therefore as to them we recommend that the graduate work offered be distinctively of original and research character, somewhat as outlined by the report of the second subcommittee, following upon a preliminary training in the fundamental principles of the subject, as pursued in the undergraduate course or courses.

As to those of the third group, having less professional interest in the subject, a broad general course in international law is recommended.

On motion, duly seconded, the recommendations were adopted.

Prof. HULL. That concludes our recommendations.

The CHAIRMAN. It is not proper, I take it, for the chair to express personal views on matters under discussion, but he can not resist the temptation of saying that in his opinion the resolutions are of a kind calculated not merely to increase the facilities for the study of international law, but also to secure its introduction into institutions where it is not now taught, and to create a greater interest in the future than has been the case in the past.

On behalf of the Society of International Law the chair desires to thank the committee.

I now call for the report of Committee No. 2.

A member of Committee No. 2 stated that it was the plan of that committee to present its report tomorrow morning.

The CHAIRMAN. I call for the report of Committee No. 3.

Prof. COLBY. Mr. Chairman, the report of this committee, briefly stated, is expressed in the following resolution:

*Resolved*, That in view of the increasing importance of a knowledge of international law to all persons who plan to devote themselves to the administration of justice, and who, through their professional occupation, may contribute largely to the formation of public opinion, and who often will be vested with the highest offices in the State and nation, this conference earnestly requests all law schools which now offer no instruction in international law to add to their curriculum a thorough course in that subject; and it also urges all institutions which now offer any other graduate courses in law to make ample provision for an advanced course in international law.

In order to bring this resolution into harmony in form with those offered by Committee No. 1, I have the authority of Committee No. 2 to add the following words:

And that a copy of this resolution be sent to all law schools and institutions offering graduate courses in law in the United States.

The CHAIRMAN. You have heard the report of Committee No. 3 as expressed in its resolution. What is your pleasure?

Prof. WAMBAUGH. I do not understand this report. It seems to advise a course in international law in the ordinary law schools, and I agree to that. It seems to advise a course in international law in a graduate school which may come after an ordinary law course, and I agree to that; but it seems also to suggest that if one of those courses be given there should then be two courses of international law. I do not understand that, as yet.

The CHAIRMAN. If Professor Colby would be good enough to respond to the question, I should appreciate it.

Prof. COLBY. The committee to whom the third item on the program was submitted found difficulty because the reference was to institutions offering a graduate course in law; not specifically to law schools offering no instruction in international law. At the conference it was deemed proper to take into view the subject-matter as related to law schools, nearly fifty per cent of which, as appears by the report which has been distributed to the members of this conference, now offer no instruction in international law; and also to bear in mind certain institutions or universities which have a department of political science in which public law has an important place; and in such institutions it appears to be assumed that those who are enrolled in the departments of political science have previously had instruction in the elements of international law. For that reason the committee framed its resolution so as to cover the case of law schools now offering no instruction in international law and such institutions and certain universities which in departments of political science offer instruction in international law; it being in the mind of the committee probable that there were other like institutions offering graduate courses which did not include that of international law.

If the recommendation of the committee proves not to be correct nor to meet the approval of the conference, nor to be in entire harmony with the plan outlined by Committee No. 1, we have had the consolation of assuming that the Committee of Revision would be able to bring the different recommendations and proposals of these different committees into harmony.

The CHAIRMAN. Might the chair ask Professor Wambaugh if the statement clears up what he had in mind?

Prof. WAMBAUGH. Not in the least, as far as I can see. It seemed to me when it was first read that the purpose really would be met by asking that all law schools should establish a course in international law, either in their ordinary course or in a graduate course if they happen to give one. And now it is explained to me that under the description of institutions with graduate courses in law it is not meant to think exclusively, at least, of law schools, but it is meant to think of universities which have a graded school of arts and sciences, and then give, in the graded school of arts and sciences, some courses in law. I should think that that last kind of thing would be covered by what was given to Committee No. 2, which has to do with advanced degrees.

I wonder whether the purpose of Committee No. 3 will be served fully by advising that institutions or law schools with graduate courses in law should certainly have in those graduate courses in law international law, and then, if they should advise also that in the ordinary undergraduate courses in law there should be international law, that would harmonize with the recommendation made by Committee No. 5. But what worried me at the outset was the suggestion that in a law school having a course in international law covering the degree of LL.B., it should have another one besides that, some advanced degree.

The CHAIRMAN. May the chair make a suggestion of a kind calculated to produce agreement? My idea is to postpone further consideration of Question 3 and to ask Committee No. 3 to consider further the matter in the light of what has been said by Professor Wambaugh, in connection with Committees Nos. 2 and 5, in order at the morning session to report a resolution which perhaps will meet with the approval of all three committees concerned. I simply make the suggestion in the interest of clearing up a misunderstanding that seems to exist and to get a wording of the resolution which will satisfy not merely the criticisms which have been made, but the desires of the members of the conference. Would you be willing to accept that suggestion?

Prof. COLBY. I shall be very glad to.

Prof. HOYNES. The matter was taken up by us the other morning, and we went over it hastily. The sense of it seems to be that we were to pass on the question of adopting graduate courses, in the universities or schools, where the subject of international law is not now taught. It was suggested that it might be made compulsory, but it developed in the deliberations of the committee that it might be well also to suggest that it be taken up in the undergraduate schools as well, because sometimes the undergraduate courses may take a limited view of it, such as lectures. The idea was this: Sometimes undergraduate students do not go any further than getting their LL.B. degree. They never pass through the full course, and it would be well to have them study international law so that they would have some familiarity with it, and the courses were not intended to encroach on each other. The thought was that the undergraduate students should not be allowed to pass without some knowledge of international law, and Professor Colby then suggested that, and I thought it was a good idea. The fact is, we intended that Committee No. 1 and the drafting or revising committee should go into all these things and harmonize them.

The CHAIRMAN. It has been suggested that further consideration of report No. 3 be deferred, and that the committee will present a report at the morning session. I think that will save our time and perhaps clear up any doubts and misunderstandings.

The chair will now pass, if there be no objection, to Committee No. 4.

Prof. LAWSON. I have already read the resolution and the reasons upon which the committee acted, but I will read the resolution again:

*Resolved*, That the attention of the State bar examiners and of the bodies whose duty it is to prescribe the subjects of examination be called to the importance of requiring some knowledge of the elements of international law in examinations for admission to the bar, and that they be urged to make international law one of the prescribed subjects.

It was moved and seconded that the resolution be adopted, and the question on the adoption was put and carried.



The CHAIRMAN. Committee No. 5.

Prof. ELIOT (Reading):

*Resolved*, That this conference on the teaching of international law requests the American Bar Association to take appropriate action toward including international law among the subjects taught in law schools and required for admission to the bar.

The CHAIRMAN. Gentlemen, you have heard the resolution. What is your pleasure?

Prof. HOYNES. I move its adoption.  
The motion was duly seconded.

The CHAIRMAN. In the course of Mr. Eliot's remarks giving the reasons for the resolution, he referred to a member of the committee who happens to be Professor Wambaugh, and the chair would like to ask Professor Wambaugh to make a statement.

Prof. WAMBAUGH. Mr. Chairman, of course the resolution that just now was offered really covers the ground so that there is no importance in what I am about to say, except that some of you may like to know what has happened in our own law school with reference to the study of international law. What has happened is of consequence simply because it makes it proper to approach the American Bar Association or any other society of lawyers with the suggestion that international law should really be taught in law schools and should really be required for admission to the bar. Someone has said that a great part of international law is not included in decided cases. That is true; but I think that the most astonishing discovery which we have been making is that so much of international law is the subject-matter of litigation and can be found in the decided cases, and hence can with perfect ease and propriety be studied in law schools and by prospective lawyers.

Beginning about four years ago, I required some of my students from day to day to go to the volumes of United States Supreme Court Reports to find all the cases which seemed to turn on international law points. That investigation has finally been concluded in a way, and the result is, to me, rather astonishing. Through Volume 230 United

States Reports we have found 2488 cases which apparently turn more or less on points of international law. There is no question at all that a winnowing will result in omitting a great many, and there is no doubt at all that some people would say that we have included in the preliminary list some cases which really ought not to be there. The list was made a hospitable one on purpose, to the end that we might miss nothing at first, and the investigation in this way has been rather thorough. Every case has been examined at least three times, some four times and many others five times; and if the syllabus has not indicated clearly enough whether the case turns on international law or not, the whole of the case has been read.

In the list we have included some cases which more properly go under the subject of conflict of laws, but when one is discussing such questions as domicile he is coming upon matters that belong really to both conflict of laws and international law.

In the light of the fact that there are these hundreds, indeed thousands, of cases in the Supreme Court of the United States turning on international law, I am sure it will be only reasonable to suggest to the ordinary law school that international law has come really and truly within the scope of the lawyer and now should have a place in the law school curriculum.

The CHAIRMAN. If there be no further discussion, I will put the question.

The question on the adoption of the resolution recommended by Committee No. 5, having been duly seconded, was put and carried.

The CHAIRMAN. The next committee is No. 6.

Prof. ARTHUR I. ANDREWS. In the absence of the chairman of that committee, I will read the report of Committee No. 6:

1. Your committee thinks it desirable, upon the initiative of institutions where instruction in international law is lacking, to take steps toward providing such instruction by visiting professors or lecturers. This instruction should be given in courses, and not in single lectures, upon substantive principles, not upon popular questions of momentary interest, and in a scientific spirit not in the interest of any propaganda.

2. With respect to the feasibility of this plan, it is suggested that members of this Society, qualified by professional training,

might be willing to give these courses, upon the invitation of the Executive Council, if some provision be made (through the establishment of lectureships or otherwise) to bear the necessary expense of the undertaking.

3. We therefore suggest that a committee, upon which there shall be adequate representation of those engaged in the teaching of international law, be appointed by the Executive Council of this Society to ascertain the institutions in need of additional instruction in international law, and endeavor to find means of affording such assistance as may be necessary to the instructing staff of the said institutions or of supplying this additional instruction by lecturers chosen by this committee and approved by the Executive Council.

4. We also suggest that steps be taken to bring to the attention of every college not offering at present instruction in international law the importance of this subject and the readiness of this Society to coöperate with such institutions in introducing or stimulating instruction.

It was moved and seconded that the report with its recommendations be adopted, and the question was put and carried.

The CHAIRMAN. The chair understands that this finishes the work of the afternoon. Committee No. 7, if I am correctly informed, desires to present its report tomorrow. Committee No. 2 likewise desires to present its report tomorrow, and Committee No. 3, after conferring with Committees Nos. 1, 2 and 5, will prepare an amended or a further report to the conference tomorrow.

Prof. SHERMAN. There is only one question. There was an objection to the resolution as read concerning the scope and power of the Committee of Revision. We understand that the vote of the conference this afternoon does in point of fact confirm and approve the various resolutions, saving only such simple difficulties as the duplication of ideas or infelicities of expression, or of grammar. Do we understand that such points as have been disapproved of shall be amended or changed, or an entire set of resolutions be proposed and read?

The CHAIRMAN. The understanding of the chair on that point was that the general principle of the resolutions should be adhered to as stated, leaving to the Committee of Revision the duty of incor-

incorporating the sense of each resolution in proper language and in arranging the place that it should occupy in a series of resolutions.

Prof. SHERMAN. I asked the question, Mr. Chairman, in order simply to clear the minds, possibly, of one or two here as to whether or not any observations offered touching these resolutions would go to the extent of expecting the Committee of Revision essentially to vary their sense by modifying them in preparing them for final approval.

The CHAIRMAN. The chair gathered that the suggestions made concerning that point were individual; with the understanding that the suggestions would be considered. The mover of the resolution expressed no desire to block the adoption, should it be the desire or the will of the committee to present them in much the same form. I thought it was rather in regard to the wording, but not an objection in the strictest technical sense.

Prof. SHERMAN. Some of us have to leave early, and it would be more gratifying to us if the conference reaches its final conclusion on the essence of these resolutions, because, otherwise, we would have to look forward to a reargument.

The CHAIRMAN. I think that was made rather clear in the statement made by the chair when it was presented. I could not bring this matter up myself, by reason of certain obscurity in the form of expression, and by reason of a doubt that occurred to me. When Professor Hoynes moved the appointment of a committee the chair was in doubt whether that committee was to be appointed immediately to consider the resolutions, put them into final form and to submit them tomorrow to the conference. At first that appeared to be the sense of the motion, but from observations made on the floor, it seemed to be understood, at least by those who were participating in the discussion, that the committee should be appointed, that it should clothe in proper form the sense of the resolutions and present them at some later time to the Executive Council or Executive Committee of the American Society of International Law.

Prof. SHERMAN. Then, I move that the Committee of Revision be empowered to present these resolutions in proper form within suitable time to the Executive Council or Executive Committee, but without power to alter their substance in any manner whatever as adopted this afternoon, and to transmit them to the law schools, colleges and universities and other bodies to which they are directed.

The motion was seconded.

Prof. HOYNES. I am in some doubt as to whether the chairman of this meeting shall have full charge of the work and supervise the work of the committee or the conference. If I were to know that the chair had the matter in charge and would appoint additional members if necessary to assist in this work of supervision, I would have no fear whatever that we would reach a result satisfactory to everybody connected with the conference, and I merely wanted to ask whether the chair would be a member of the committee?

The CHAIRMAN. That presents a rather personal matter. The chair had intended to appoint the seven chairmen, and if it be the desire of the conference that the committee be somewhat enlarged by the addition of two or three—

Prof. HOYNES. I make the motion, Mr. Chairman, to the effect that the Chairman of this conference—pardon me for not putting the motion myself—appoint three additional persons who shall constitute this Committee of Revision, and that he be chairman *ex officio* of the committee.

The motion was duly seconded.

The CHAIRMAN. Is there any discussion?

There being no discussion the motion, having been duly seconded, was put and carried.

Prof. HOYNES. Perhaps I should have made a further remark while on my feet, but the chairman of Committee No. 3 states that he would like to report a change, in accordance with the suggestion of Professor Wambaugh, in the resolution read here, and I think it will be accepted at once, in view of the fact that Professor Wambaugh has made objection to one of the points in it. Consequently Professor Wambaugh, I think, would be glad to hear it. I will ask him if it would be satisfactory to him.

The CHAIRMAN. May the chair consult the conference as to its pleasure? The chair would like to know if it be your desire to have this amended resolution read, or do you care to allow it to go over until tomorrow?

Prof. COLBY. It would take only a moment to read it, and I think that we could dispose of it at the present session. It appears that the phraseology of the resolution referred to was objected to, and it appears that the function of this Committee No. 3 will be discharged by reporting the first part of the resolution previously read, or, in other words, by simply omitting the statement referring to all institutions which now offer graduate courses in law, so that, as amended, the resolution, after referring to the preamble, which perhaps need not be reread, states:

This conference earnestly requests all law schools which now offer no instruction in international law to add to their curriculum a thorough course in that subject, and that a copy of this resolution be sent to all law schools in the United States.

The CHAIRMAN. May I ask Professor Wambaugh if that meets his suggestion?

Prof. WAMBAUGH. Yes; that is all right. Of course, it was a mere inadvertence.

Prof. HOYNES. It is very likely, Mr. Chairman, that such resolutions as this may be merged in the others by the Committee of Revision.

The CHAIRMAN. That, of course, is a question upon which we can not pass at present.

It was moved and seconded that the resolution of Committee No. 3 in its amended form be adopted.

There being no discussion, the motion was put and carried.

The CHAIRMAN. Gentlemen, we have had presented this afternoon the reports of five of the seven committees, and the recommendations of the five committees have been adopted.

Is there any further business?



Prof. LAWSON. Is it quite clear what the procedure is to be in regard to the action of the Revision Committee? There are two reports that will not go in until tomorrow. The attendance at the conference may dwindle as some members will leave as soon as the real work is done. We may, therefore, have fewer members present tomorrow. Is it understood, then, that the Committee of Revision has power to present the resolutions to the Executive Council and transmit them to the law schools, colleges and universities and other bodies?

The CHAIRMAN. That was the exact sense and the text of the resolution offered by Professor Sherman.

Prof. LAWSON. Very well.

The CHAIRMAN. Is there any further business?  
(No response.)

The chair thereupon announced the appointment of the following gentlemen as members of the Committee of Revision:

ROBERT BACON,  
GEORGE H. BLAKESLEE,  
PHILIP BROWN,  
JAMES F. COLBY,  
EDWARD C. ELIOT,  
JOHN W. FOSTER,  
WILLIAM I. HULL,  
JOHN D. LAWSON,  
WILLIAM R. MANNING,  
ELIHU ROOT.

On motion, duly seconded, the conference, at 5:00 o'clock p.m., adjourned until tomorrow morning at 10.30.

### THIRD SESSION

Saturday, April 25, 1914, 10:30 o'clock a.m.

Professor GEORGE G. WILSON, a member of the Executive Council of the Society, in the chair.

The CHAIRMAN. There are some items of business which have come over from yesterday's session. I think the report of Committees Nos. 2 and 7 of the Conference of Teachers of International Law are ready to be presented. We will first hear the report of Committee No. 2.

#### REPORT OF COMMITTEE NO. 2.

Prof. GEORGE H. BLAKESLEE. Mr. Chairman, I will first read the basis of the committee's recommendation, which has been drawn up by Prof. Hornbeck, and in which all of the members of the committee agree.

The question with which this committee has been directed to deal is that of "requiring a knowledge of the elements of international law for candidates for advanced degrees."

After full consideration of this question, the members of this committee are agreed in believing that it would be inadvisable to propose to colleges and universities that international law be made a "required subject" either for any or for all candidates for advanced degrees.

One of the recognized principles of graduate work as it is now carried on in this country is that the courses shall be optional, subject to certain restrictions. A proposal, therefore, that international law be made a "required subject" would amount to a recommendation that an exception be made to this generally observed and satisfactory rule. This rule, as such, is so well established that we do not conceive that a proposal to alter it would be favorably received, however important the subject in whose favor an exception is sought. Nor is a breach of the principle desirable.

However, the committee does not consider that with this reply the question should be dismissed. We consider it advisable for this conference to make recommendations with the object of securing greater consideration for the subject of international law, both on the part of faculties and candidates for advanced degrees.

We are of the belief that every candidate for an advanced degree in political science, law, history, political economy or sociology ought to have, along with his other equipment, the knowledge which having taken a course in international law implies.

Holding this view, and recognizing the fact that, as experience shows, practice does not universally conform to this idea, we would urge that this conference call attention to the great and increasing importance of international law among those subjects with which every student in the lines above mentioned ought to be acquainted.

It is a significant fact that, as will be seen from the Report of the Carnegie Endowment for International Peace on the Teaching of International Law in the Educational Institutions of the United States, there are several institutions in this country which make international law a required subject for candidates for the bachelor's degree.

Without commenting upon the wisdom or policy of such a requirement, this committee does not hesitate to declare its approval of the sentiment that a knowledge of international law is an essential part, in this day and age, of a liberal education. From that we would proceed to the proposition that this subject ought by no means to be wanting in the equipment of those who aspire to advanced degrees in the fields of study which we have specified. We would therefore submit to this conference the following proposals:

*Be it resolved,* That this conference direct that a letter be sent to professors of political science, law, history, political economy and sociology throughout the country calling attention to and emphasizing the essential and fundamental importance of a knowledge of international law on the part of students in those branches; declaring it the opinion of this conference that every college of liberal arts, every graduate school and every law school, should have provision for courses in international law; and urging that all graduate students working in the above mentioned fields be advised to include this subject in their courses of study.

*Be it resolved,* That there be prepared and sent out with this letter reprints of Senator Root's address on the Importance of the Study of International Law, which appeared in Vol. I of the American Journal of International Law, and of his address delivered at the opening of this conference on the teaching of international law.

*Be it resolved,* That the Secretary of the American Society of International Law be asked to attend to the drafting, printing and distribution of the above specified letter and reprints and that he be authorized, if he sees fit, to send out additional literature therewith.

The CHAIRMAN. You have heard the resolutions proposed by Committee No. 2. What is your pleasure?

Prof. HOYNES. I move that they be accepted.

The motion was seconded.

The CHAIRMAN. The motion has been made and seconded that these resolutions be accepted. Is there discussion?

Prof. AYMAR. I want to offer the suggestion that it might be well to take up with the American Law School Association the proposition of incorporating in one of the required courses substantially a course of international law in the three year law course recommended by that association.

The CHAIRMAN. If I am not mistaken, that exact proposition has already been covered.

The motion was put and agreed to.

The CHAIRMAN. The report of Committee No. 7 will be presented by Prof. Manning.

Prof. W. R. MANNING (Reading): Committee No. 7, charged with considering "the advisability of requesting universities which now have summer schools to include among the subjects offered courses on the elements of international law," begs leave to present the following resolutions:

1. That the American Society of International Law should request universities having summer schools to offer summer courses on international law. This recommendation is made because the summer schools are so largely composed of teachers in the high schools and other public schools; and because it is believed that there is no other way to create among the masses of the people a sane public opinion on international affairs so quickly and so effectively as to reach the children in the public schools through the public school teachers.

Realizing that no considerable demand now exists for such courses, and that universities are not likely to offer them unless, and until, a demand is felt, it is resolved:

2. That the American Society of International Law should endeavor to stimulate a demand for summer school courses in international law. In order to stimulate such a demand it is suggested that as many names as possible of prospective summer school students be obtained by the following, or other, means: (1) by writing for lists of members of all State teachers' associations; (2) by copying from catalogues, or elsewhere, lists of all students attending the last session of all summer schools; and (3), possibly also, by copying lists of all students attending the

last regular session of all universities having summer schools. To all such addresses should be sent printed circulars, or other literature, setting forth briefly, concisely, and strikingly the value of a knowledge of international law as a means for preserving international peace. A circular letter should be enclosed suggesting that every one who expects to attend a summer school the next summer write to the authorities of the chosen summer school saying he would like to take a course in the elements of international law, and asking if such a course will be given.

It is anticipated that only a small percentage of the persons addressed will respond; but it is believed that if the first letter be followed up by a second, and possibly a third, and if the plan be pursued persistently for two or three years or longer, it will have an appreciable influence and will amply justify the expenditure of time and effort.

The CHAIRMAN. What will you do with this report?

Prof. HOYNES. I move that it be accepted.  
The motion was seconded.

The CHAIRMAN. It is moved and seconded that the report be accepted.

The motion was put and agreed to.

Prof. ANDREWS. Mr. Chairman, if it is in order I should like to offer a resolution for reference to the Executive Council, which I have prepared after consultation with others.

The CHAIRMAN. Is it in reference to this matter of teaching?

Prof. ANDREWS. Yes.

The CHAIRMAN. It will be in order to present it at this time.

Prof. ANDREWS. I offer this resolution:

*Resolved*, That this conference recommend the establishment and encouragement in collegiate institutions of specialized courses in preparation for the Consular and Diplomatic Services.

I may say that I am connected with such a course, and I think there are others here who are so connected; and if we are to encourage the study of international law, the encouragement of such specialized courses will be in order.

The CHAIRMAN. Do you wish to refer that to the Executive Council, or to this Committee of Revision of all the work?

Prof. ANDREWS. I should say to that committee, with power.

The CHAIRMAN. I think that would be the better disposition to make of it. Do you make that as your motion?

Prof. ANDREWS. Yes.

The motion was seconded, put and agreed to.

Prof. ANDREWS. Mr. Chairman, I should like to offer another resolution if I may do so. This resolution is not so much my own idea, although I am of course in hearty sympathy with it, but it is a resolution suggested by more than one professor of economics and especially the professor of economics at the institution with which I am connected.

*Resolved*, That this conference recommend that the study of international law be required in specialized courses in preparation for business.

I move that that be referred to the same committee.

The motion was seconded, put and agreed to.

The CHAIRMAN. Unless there be something further in regard to the subject of the teaching of international law, the regular order of business of the American Society of International Law for this morning is before us.

Mr. SCOTT. Before proceeding to that I should like to express, on behalf of the American Society of International Law, the very great pleasure it has given us to welcome to our meetings the teachers of international law and related subjects in American institutions of learning. The resolutions framed by them and presented to the conference and adopted by it, will, I am quite sure, if put into effect,



largely increase the interest in international law and its scientific exposition. The conference has set in motion an agency which, without intending to dominate in any way the teaching of these subjects, and without seeking in any way to enforce its views upon the teachers of international law, will nevertheless have great effect upon such teachers; because these recommendations have not come from the outside, but have come from those who are specially qualified in the subject, and are, as it were, to be considered a word of advice or suggestion to those engaged in actual instruction in American institutions of learning.

In the second place, Mr. Chairman, I should like to extend, on behalf of ~~the Society~~, if I may venture to speak in its behalf, our very great pleasure and satisfaction at the recommendation made by the conference that the conference shall be continued by the appointment of a committee of the American Society of International Law, to be composed of teachers of international law, which committee shall continuously take into consideration the teaching of international law and the means by which its sphere of influence may be extended. By so doing they have shown a confidence in the American Society of International Law, they have broadened its scope and enlarged its opportunities; and I believe, sir, that the Society is deeply appreciative of this mark of confidence and that, in conjunction with the committee, it will take the necessary steps to carry out the various resolutions which have been unanimously adopted in order to effect the purposes for which the conference met and for which the resolutions were presented.

Prof. HULL. Mr. Chairman, may I be permitted to offer a vote of hearty thanks and appreciation to the International Law Division of the Carnegie Endowment, under whose wise initiative and generous hospitality this conference has been held. I am sure that all teachers of international law and diplomacy appreciate the opportunity which has been afforded them at this meeting to get together and to discuss the best methods of teaching the subjects referred to. Therefore I move a vote of hearty thanks and appreciation.

Prof. HOYNES. I second that motion.

The motion was unanimously agreed to.

The CHAIRMAN. If there is no other business relating to the conference on international law, a motion to adjourn the conference will be in order.

Whereupon, at 11 o'clock a.m., upon motion duly made and seconded, the Conference of Teachers of International Law and Related Subjects adjourned, *sine die*.

RESOLUTIONS AND RECOMMENDATIONS  
OF THE  
CONFERENCE OF TEACHERS OF INTERNATIONAL LAW  
AND RELATED SUBJECTS

WASHINGTON, D. C., APRIL 23-25, 1914

WHEREAS, The American Society of International Law, founded for the purpose of fostering the study of international law and of promoting the establishment of international relations upon the basis of law and justice, desiring the more effectually to further these objects, decided to call a Conference of Teachers of International Law and Related Subjects, to consider the present position and steps for the future development of that study, and, to that end, invited leading educational institutions of the United States to send delegates to take part in such conference; and

WHEREAS, Forty-one colleges and universities accepted the afore-said invitation and sent representatives to take part in the conference as follows:

Boston University:	JAMES F. COLBY
Brown University:	JAMES C. DUNNING
University of California:	ORRIN K. McMURRAY
University of Chicago:	ERNST FREUND
Clark University:	GEORGE H. BLAKESLEE
Cornell University:	SAMUEL P. ORTH
Dartmouth College:	{ JAMES F. COLBY
	{ FRANK A. UPDYKE
Dickinson College:	EUGENE A. NOBLE
George Washington University:	{ CHARLES NOBLE GREGORY
	{ C. H. STOCKTON
University of Georgia:	H. A. NIX
Hamilton College:	FRANK H. WOOD
Harvard University:	{ EUGENE WAMBAUGH
	{ GEORGE G. WILSON
University of Illinois:	JAMES W. GARNER
Johns Hopkins University:	JAMES BROWN SCOTT
University of Kansas:	F. H. HODDER
Lafayette College:	E. D. WARFIELD
Lehigh University:	JOHN L. STEWART

Louisiana State University:	ARTHUR T. PRESCOTT
University of Michigan:	JESSE S. REEVES
University of Minnesota:	WILLIAM A. SCHAPER
University of Missouri:	JOHN D. LAWSON
University of Nebraska:	EDWIN MAXEY
College of the City of New York:	WALTER E. CLARK
New York University:	F. W. AYMAR
Northwestern University:	CHARLES CHENEY HYDE
University of Notre Dame:	WILLIAM HOYNES
Oberlin College:	KARL F. GEISER
University of Pennsylvania:	LEO S. ROWE
University of Pittsburgh:	FRANCIS N. THORPE
Princeton University:	PHILIP BROWN
Swarthmore College:	WILLIAM I. HULL
Syracuse University:	EARL E. SPERRY
University of Texas:	WILLIAM R. MANNING
Tufts College:	ARTHUR I. ANDREWS
Union College:	CHARLES J. HERRICK
University of Virginia:	RALEIGH C. MINOR
Washington University:	EDWARD C. ELIOT
Western Reserve University:	FRANCIS W. DICKEY
University of West Virginia:	JAMES M. CALLAHAN
University of Wisconsin:	STANLEY K. HORNBECK
Yale University:	GORDON E. SHERMAN;

and

WHEREAS, The said representatives, duly accredited, convened in the city of Washington, District of Columbia, and at a series of meetings held on Thursday, April 23, 1914, Friday, April 24, 1914, and Saturday, April 25, 1914, considered the following questions:

1. Plans for increasing the facilities for the study of international law; for placing the instruction on a more uniform and scientific basis; and for drawing the line between undergraduate and graduate instruction.
2. The question of requiring a knowledge of the elements of international law for candidates for advanced degrees.
3. The advisability of urging all institutions with graduate courses in law to add a course in international law where not already given.
4. The advisability of calling the attention of the State bar examiners to the importance of requiring some knowledge of the elements of international law in examinations for admission to the bar.

5. The advisability of requesting the American Bar Association, through its appropriate committee, to consider the question of including the study of international law in its recommendations for a deeper and wider training for admission to the bar.
6. The desirability and feasibility of plans for securing the services of professors of or lecturers on international law to whom can be assigned definite lecture periods in institutions where international law is not now taught or is inadequately taught—the services to rotate between institutions where they will be acceptable.
7. The advisability of requesting universities which now have summer schools to include among the subjects offered courses on the elements of international law, and, if there be occasion for it, to offer advanced courses of interest and profit for advanced students and instructors.

NOW THEREFORE, The Conference of Teachers of International Law and Related Subjects, after careful consideration and detailed examination in committee and thorough discussion in the full sessions of the Conference, unanimously adopts the following resolutions, in the belief that the recommendations contained therein, if carried into effect, will maintain, develop, and increase sound, progressive and fruitful ideas on international law and related subjects:

#### RESOLUTION No. 1

*Resolved*, That the Conference of Teachers of International Law and Related Subjects hereby recommends to the American Society of International Law the appointment of a Standing Committee of the Society on the Study and Teaching of International Law and Related Subjects, upon lines suggested by the recommendations of the Conference.

#### RESOLUTION No. 2

*Resolved*, That, in order to increase the facilities for the study of international law, the Conference hereby recommends that the following steps be taken to improve and enlarge library and reference facilities:

- (a) That a carefully prepared bibliography of international law and related subjects be published, with the names of publishers and

prices so far as these may be obtainable, with especial reference to the needs of poorly endowed libraries.

(b) That there be published likewise a carefully prepared index or digest of the various heads and sub-heads in international law, with references to all standard sources of authority upon each head.

(c) That there be published in a cheap and convenient form all documents of state, both foreign and domestic, especially Latin American, bearing upon international law, including treaties, documents relating to arbitration, announcements of state policy, and diplomatic correspondence, and that the aid of the Department of State be solicited in securing copies of such documents for publication.

(d) That at short intervals a bulletin be published, containing excerpts from the Congressional Record and other current sources, giving reliable information upon international questions arising from time to time and the final disposition of such questions.

(e) That a law reporter of international cases be issued.

#### RESOLUTION No. 3

*Resolved*, That, in order further to increase the facilities for the study of international law, the Conference recommends that steps be taken to extend the study of that subject by increasing the number of schools at which courses in international law are given, by increasing the number of students in attendance upon the courses, and by diffusing a knowledge of its principles in the community at large, and, more particularly:

(a) That, as the idea of direct government by the people grows, it becomes increasingly essential to the well-being of the world that the leaders of opinion in each community be familiar with the rights and obligations of states, with respect to one another, as recognized in international law. Hence, it has become a patriotic duty, resting upon our educational institutions, to give as thorough and as extensive courses as possible in this subject.

(b) That a course in international law, where possible, should consist of systematic instruction extending over at least a full academic year, divided between international law and diplomacy.

(c) That prominent experts in international law be invited from time to time to lecture upon the subject at the several institutions.



## RESOLUTION No. 4

*Resolved*, That, with a view of placing instruction in international law upon a more uniform and scientific basis, the Conference makes the following recommendations:

(a) In the teaching of international law emphasis should be laid on the positive nature of the subject and the definiteness of the rules.

Whether we regard the teaching of value as a disciplinary subject or from the standpoint of its importance in giving to the student a grasp of the rules that govern the relations between nations, it is important that he have impressed upon his mind the definiteness and positive character of the rules of international law. The teaching of international law should not be made the occasion for a universal peace propaganda. The interest of students and their enthusiasm for the subject can best be aroused by impressing upon them the evolutionary character of the rules of international law. Through such a presentation of the subject the student will not fail to see how the development of positive rules of law governing the relations between states has contributed towards the maintenance of peace.

(b) In order to emphasize the positive character of international law, the widest possible use should be made of cases and concrete facts in international experience.

The interest of students can best be aroused when they are convinced that they are dealing with the concrete facts of international experience. The marshalling of such facts in such a way as to develop or illustrate general principles lends a dignity to the subject which can not help but have a stimulating influence.

Hence, international law should be constantly illustrated from those sources which are recognized as ultimate authority, such as: (a) cases, both of judicial and arbitral determination; (b) treaties, protocols, acts, and declarations of epoch-making congresses, such as Westphalia (1648), Vienna (1815), Paris (1856), The Hague (1899 and 1907), and London (1909); (c) diplomatic incidents ranking as precedents for action of an international character; (d) the great classics of international law.

(c) In the teaching of international law care should be exercised to distinguish the accepted rules of international law from questions of international policy.

This is particularly true of the teaching of international law in American institutions. There is a tendency to treat as rules of international law certain principles of American foreign policy.

It is important that the line of division be clearly appreciated by the student. Courses in the foreign policy of the United States should therefore be distinctly separated from the courses in international law, and the principles of American foreign policy, when discussed in courses of international law, should always be tested by the rules which have received acceptance amongst civilized nations.

(d) In a general course on international law the experience of no one country should be allowed to assume a consequence out of proportion to the strictly international principles it may illustrate.

#### RESOLUTION No. 5

*Resolved*, That the Conference recommends that a major in international law in a university course leading to the degree of doctor of philosophy be followed, if possible, by residence at The Hague and attendance upon the Academy of International Law which is to be established in that city; that it is the sense of the Conference that no better means could possibly be devised for affording a just appreciation of the diverse national views of the system of international law or for developing that "international mind" which is so essential in a teacher of that subject; and that therefore as many fellowships as possible should be established in the Academy at The Hague, especially for the benefit of American teachers and practitioners of international law.

#### RESOLUTION No. 6

*Resolved*, That it is the conviction of this Conference that the present development of higher education in the United States and the place which the United States has now assumed in the affairs of the Society of Nations justify and demand that the study of the science and historic applications of international law take its place on a plane of equality with other subjects in the curriculum of colleges and universities and that professorships or departments devoted to its study should be established in every institution of higher learning.

#### RESOLUTION No. 7

*Resolved*, That, in order adequately to draw the line between undergraduate and graduate instruction in international law, the Conference makes the following recommendations:

Assuming that the undergraduate curriculum includes a course in

international law, as recommended in Resolution No. 6, the Conference suggests that graduate instruction in international law concerns three groups of students:

- (a) Graduate students in law;
- (b) Graduate students in international law and political science;
- (c) Graduate students whose major subjects for an advanced degree are in other fields, for example, history or economics.

The first two groups of students have a professional interest in international law, many having in view the teaching of the subject, its practice, or the public service. Therefore, as to them, the Conference recommends that the graduate work offered be distinctively of original and research character, somewhat as outlined in Resolution No. 4, following a preliminary training in the fundamental principles of the subject, as pursued in the undergraduate course or courses.

As to those of the third group, having less professional interest in international law, a broad general course in the subject is recommended.

#### RESOLUTION No. 8

*Resolved*, That this Conference directs that a letter be sent to teachers of political science, law, history, political economy and sociology throughout the country calling attention to and emphasizing the essential and fundamental importance of a knowledge of international law on the part of students in those branches, which letter shall state the opinion of this Conference that every college of liberal arts, every graduate school and every law school, should have or make provision for courses in international law and urge that all graduate students working in the above mentioned fields be advised to include this subject in their courses of study.

*Resolved*, That, in accordance with the preceding resolution, there be prepared and sent out with this letter reprints of Senator Root's article entitled "The need of popular understanding of international law," which appeared in Vol. 1 of the American Journal of International Law, and of his address delivered at the opening of this Conference.

*Resolved*, That the Recording Secretary of the American Society of International Law attend to the drafting, printing and distribution of the above specified letter and reprints and that he is hereby authorized, if he sees fit, to send out additional literature therewith.

## RESOLUTION No. 9

*Resolved*, That, in recognition of the growing importance of a knowledge of international law to all persons who plan to devote themselves to the administration of justice, and who, through their professional occupation, may contribute largely to the formation of public opinion and who often will be vested with the highest offices in the State and nation, this Conference earnestly requests all law schools which now offer no instruction in international law to add to their curriculum a thorough course in that subject.

*Resolved further*, That a copy of this resolution be sent to all law schools in the United States.

## RESOLUTION No. 10

*Resolved*, That the Conference hereby calls the attention of the State bar examiners and of the bodies whose duty it is to prescribe the subjects of examination, to the importance of requiring some knowledge of the elements of international law in examinations for admission to the bar, and urges them to make international law one of the prescribed subjects.

## RESOLUTION No. 11

*Resolved*, That the Conference hereby requests the American Bar Association to take appropriate action toward including international law among the subjects taught in law schools and required for admission to the bar.

## RESOLUTION No. 12

*Resolved*, That the Conference hereby adopts the following recommendations:

(a) That it is desirable, upon the initiative of institutions where instruction in international law is lacking, to take steps toward providing such instruction by visiting professors or lecturers, this instruction to be given in courses, and not in single lectures, upon substantive principles, not upon popular questions of momentary interest, and in a scientific spirit, not in the interest of any propaganda.

(b) That members of the American Society of International Law,

qualified by professional training, be invited by the Executive Council or the Executive Committee of the Society to give such courses, and that provision be made, through the establishment of lectureships or otherwise, to bear the necessary expenses of the undertaking;

(c) That the Standing Committee on the Study and Teaching of International Law and Related Subjects of the American Society of International Law, the appointment of which was recommended in Resolution No. 1, be requested to ascertain what institutions are in need of additional instruction in international law and endeavor to find means of affording such assistance as may be necessary to the teaching staff of the said institutions or of supplying this additional instruction by lecturers chosen by the said Committee and approved by the Executive Council or Executive Committee.

(d) That steps be taken to bring to the attention of every college at present not offering instruction in international law the importance of this subject and the readiness of the American Society of International Law, through its Standing Committee on the Study and Teaching of International Law and Related Subjects, to coöperate with such institutions in introducing or stimulating instruction.

#### RESOLUTION No. 13

*Resolved*, That this Conference hereby requests and recommends that universities having summer schools offer summer courses in international law.

*Resolved further*, That the American Society of International Law, through its Standing Committee on the Study and Teaching of International Law and Related Subjects, is hereby requested to endeavor to stimulate a demand for courses in international law in summer schools.

#### RESOLUTION No. 14

*Resolved*, That the Conference recommends the establishment and encouragement in collegiate institutions of specialized courses in preparation for the diplomatic and consular services.

#### RESOLUTION No. 15

*Resolved*, That the Conference recommends that the study of international law be required in specialized courses in preparation for business.

## RESOLUTION No. 16

*Resolved*, That a Committee of Revision, consisting of ten members, of which Mr. James Brown Scott shall be chairman *ex officio*, be appointed by the Chair for the revision in matters of form of the various resolutions and recommendations made to this Conference by the different committees and subcommittees and adopted by it, the said Committee of Revision to send a copy of the said resolutions and recommendations to every law school, college and university in the United States and to the American Society of International Law, through its Executive Council or Executive Committee, for such action as will serve to effectuate the recommendations of the Conference.

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The undersigned, members of the Committee of Revision, duly appointed in accordance with Resolution No. 16, having carefully considered the resolutions and recommendations referred to them by the Conference, have prepared them in the foregoing form, and direct that they be transmitted by the Chairman of the Committee to the institutions and Society mentioned in Resolution No. 16.

JAMES BROWN SCOTT, *Chairman*,  
ROBERT BACON,  
GEORGE H. BLAKESLEE,  
PHILIP BROWN,  
JAMES F. COLBY,  
EDWARD C. ELIOT,  
JOHN W. FOSTER,  
WILLIAM I. HULL,  
JOHN D. LAWSON,  
WILLIAM R. MANNING,  
ELIHU ROOT.

WASHINGTON, D. C., *April 25, 1914.*



## ANNUAL BANQUET

New Willard Hotel, Saturday, April 25, 1914, 7.30 o'clock p.m.

Rev. WALLACE RADCLIFFE, D.D., offered the invocation.

Hon. ELIHU ROOT, Toastmaster. It is a very great pleasure to welcome you to the eighth annual dinner of the American Society of International Law and to express your feeling, as I know I do, in extending a hearty and cordial welcome to our guests who are here tonight.

I am very proud of the American Society of International Law; proud of it as an American citizen. I do not think there is any other country in the world where such a society would be possible. Certainly there is no other country in which such a society has been proved possible.

Eight years ago, when the fertile brain and immense enthusiasm and devotion of Dr. Scott was first applied to the idea of getting international lawyers, men interested in international questions, associated together, it seemed very doubtful. No one thought that we would get more than a couple of hundred perhaps, just enough to compare views and perhaps help one another. But here we are with more than a thousand paying members, with a society that has paid its own way, with a journal which one of the greatest authorities on international law in Europe said to me last summer is the best journal of international law in the world, a journal which is self-sustaining. We do not have to beg of anybody. Since Dr. Scott and perhaps two or three others paid the initial expenses out of their own pockets, we have not had to beg of anybody. We have not had to bow down before the money power nor serve it for anything. We are independent, free, North American citizens, exercising the right of assemblage and the expression of our ideas, paying our own way, and with money to burn.

Just at this moment there is, I think, one of those occasional situations in our country which will be in the highest degree educating, stimulating and inspiring along the lines of our thought and of our interests. America has been so isolated. The United States—looking over to Mr. Calvo I will say the United States of North America—has been so isolated, it has had so little in the way of foreign affairs that they do not press very seriously upon the mind of America. On

the other side of the Atlantic foreign affairs are vital. They meet a man at breakfast. He has to think of them as he is undressing to go to bed at night. They are of immediate, pressing importance. Here they are something far off, vague, indefinite and academic, because we are so far removed from danger, from international controversies, that they do not seem to affect us, do not come home to us. They suggest something that is going to be done somewhere else, which may be expensive, but not coming home to us. For that reason the great American public have not taken a very lively interest in foreign affairs as a rule.

But I am going to continue now something that I started upon a few days ago, at the opening of the Conference of Teachers of International Law. The American people, the American democracy, has year by year been coming to its own, coming to a more direct and all embracing control over the affairs of government. There is less and less delegation and more and more immediate compulsion. If the American people is to conduct its own foreign affairs as it is conducting its own government, the American must know something about international duties as well as international rights. I repeat something I have said often: The growth of our democracy in the assertion of its rights has gone in advance of the growth of our democracy in the realization of its duties. No duty without a right, no right without a duty.

The wicked wars, the injustice, the arrogance, the insult of nation against nation, arise in these modern days, not from the ambition of the monarch, not from the whim or the prejudice or the animosity or the greed of the man at the top, but from the mistaken understandings and the unrestrained impulses of the great democracy to whose impulses we all respond. For the peace of the world and the prosperity of our country there can be no higher duty resting upon educated Americans than the duty of forming all over our country a leadership of instructed public opinion as to what is right and just and honorable for the American people in their foreign affairs. Our people do not want anything that is unjust, but of course the natural reaction of any man is to assume that his own side is right. But no side is always right. It is not given to men to be always right, and a just conception of the rights of others underlies right living in the community of men and the community of nations. The men who

become familiar with the history and the theory and the precedent and the practice and the reasons of international law spread throughout the thought of the American people that just conception of the rights of others. The present situation, which brings home to all thinking Americans everywhere a sense of the seriousness of our foreign affairs, is one which at once should teach us the importance of the work which, in our small and humble way, we have been trying to do, and should make our countrymen respect and welcome our labors.

During the past few days I have been feeling very unhappy over our affairs in Mexico. It is not in the possibilities of human nature that there should not be differences of opinion, differences as to policy, and everyone who has a duty to perform must act according to the dictates of his own judgment and his own conscience in the performance of his duty. I wish the cup could pass from us; but the President has acted upon his responsibility and his conscience. He is the head of this great nation. It is for the nation that he acts. No matter how we may have differed in our opinions of policy in the past, we must all, every one of us, stand loyally by him. There must be no backward look, but forward for the success and honor of our beloved country, which we best serve in loyal support to the Chief Magistrate, upon whom rests the responsibility of leadership.

Thank heaven we have a President in whose lofty character, in whose sincerity of purpose, in whose genuine desire to do what is right, what is wise, what is patriotic, what is best for his country and for humanity we can all trust absolutely. I trust it. I have differed from him in questions of policy, and doubtless shall again. Men coming up with different environment and associations and ideas must differ; but I have confidence in the character and purpose of the President of the United States. He is my President, and I will stand behind him in his leadership.

And so, gentlemen, I ask you to rise, and for the first regular toast, which should be the first in all American meetings like this, to drink to the health of the President.

Those present rose and stood while the orchestra played the Star Spangled Banner.

The TOASTMASTER. I am very sorry to say that Mr. Taft, who was on the program tonight, has been detained from the dinner by an

injury to his foot which has made it impossible for him to get out and walk. I am going to have the very great pleasure of presenting to you, as the first speaker, a gentleman whom I shall name after I have referred to an old rule of this Society, a rule which will be applicable, not merely to him, but to all the speakers of this evening and of time to come, and that is a fifteen minute rule. We started in this Society with the idea that we would not have any of the long, tedious dinners which have become such an abuse in this country, that we would have a short dinner, with short speeches, and get through and go home like decent, law-abiding, God-fearing citizens. We particularly regretted of course that we would be relieved from long written essays, and from the greatest effort of anybody's life; but I think it has worked very well, and that we have had very charming and delightful dinners under that rule, and that rule still continues.

I now present to you the Honorable Frederick C. Stevens, Member of Congress from Minnesota, who has been chosen from a part of the country almost as far from Mexico as it is possible to get.

Mr. STEVENS. Mr. Toastmaster, we all observe in the House of Representatives the limitation which you have set for us here, and I can only say to you what we are accustomed to say to the Speaker of our House, "Please notify me at the end of fifteen minutes." As to the last sentence concerning the place from which I am proud to hail, I can only say, as one of our members of the House said the other day in debating the resolution concerning the approval of the President's plan, that although war may come, I shall stay here. He did not get any further, and the applause was unanimous.

I greatly appreciate the honor of appearing before you this evening, and I assume that the reason I am thus honored is that I represent the class which the Toastmaster so concisely and clearly informed you was coming into its own in the discussion of the international affairs in which you are very deeply interested. It was not so many years ago that international law was a mysterious and forbidden realm to most of us. In our part of the country those of us who practiced law only knew of international law as a series of rules to keep on our side of the border the fellow that we were defending and to get the other fellow back to us from the other side.

Some of you older men may remember rather a stirring episode of

about a generation ago, of a British nobleman, or at least he said he was, who came into our part of the country and got away between two days with a large amount of the funds of some of our credulous and influential citizens. They pursued him vigorously; but the worm turned when they reached Canada, and from the precincts of a Canadian jail they wired back to their friends, "For God's sake come quick with plenty to help, we are in a hell of a fix." That was the beginning of a knowledge of international law with most of us up in that section. But we have progressed since those days. Only last week I received a letter from St. Paul, my home, from one of my good friends, Mr. Pat McCoy, the janitor of one of the large office buildings. The letter was typewritten, evidently by a law stenographer, because it was very well done. The letter read something like this:

"My dear Fred"—

Up in our country all of us international lawyers address each other by our front names—

"My Dear Fred: The boys depend on you to stand for free tolls. We have talked it over and concluded we must have them. I have just read that Hayes-Pinafore Treaty, and it says nothing against free tolls. Don't let the roar of the British lion scare you. Don't let him knock you off the perch. The boys are with you anyway. Yours very truly, Pat McCoy. (His mark.)"

That, Mr. Toastmaster, illustrates the statement that you made to this distinguished presence, that Pat and I and the rest of us are coming into our own, and that those of you who have the responsibility for the foreign affairs of this government must deal with us. As our distinguished toastmaster has informed us, it is a serious matter. Pat and I and the rest of us mean to do the right thing. The difficulty is, we do not know how. The principal part of our information comes from the yellow journals, or the still more lurid magazines; and we are expected with that information to pass finally upon the great international obligations which the Secretary of State, with the help of the Senate, so blindly concocts and spreads before us for our final settlement. Now I do not know that I blame the diplomatic department of our government or even the Senate, for the doubtful and ambiguous language in some of the international obliga-

tions that we enter into. We in the House have been accustomed to do some things that same way ourselves, in the way of shifting responsibility upon the courts and then cussing the courts because they did not do exactly as we would like to have them. That is the way we all do up there on the Hill. But at the same time we must realize that now this great force of new democracy, Pat and I and the rest of us, finally have to pass upon these matters, with a result that you gentlemen should think of for just a moment. When Pat and I discuss these matters, the very first argument we make to each other, or make to the fellow who differs with us, is to call him a traitor. That is the easiest, quickest and most knock-down argument of all. Perhaps that is best illustrated by an experience that one of the distinguished citizens of our State had some years ago. He was a man of very limited education, but had a great reputation as a presiding officer, so that our people elected him to high offices as a presiding officer, and he did meet with wonderful success. One day a friend of his asked him how it happened that he was so successful as a presiding officer when he had such a limited education. "Why," he said, "it is easy. I always rule damned quick, damned strong, and damned loud and stick to it." And that is something the way in which Pat and I and the rest of us discuss international law.

But, friends, there is after all something for us to realize, we of the real democracy in this country, in the discussion of our international affairs, and that is that we are not the only ones in the world who are doing it. The democracies in other nations are coming to their own also, and that inevitably leads to this realization, that you gentlemen who have the treaty making power of our government particularly in charge must reckon with us, and with the other fellows like us in the other nations of the world with which we have relations. You can not enlarge the scope of your treaty making powers so that in the final analysis we will not approve when the test really comes. We can not afford to violate our international obligations too often. We do it occasionally, we all realize that, and our neighbors and friends forgive us as we forgive them also. But we must not do it right along, and we just warn our diplomatic authorities and we warn the Senate, who have to pass upon them, that we will not stand too much; because when the test comes, remember that Pat and I and the rest of us, with the means of information that we have, are liable



to kick them all into the fire and be prepared to take the brunt. That is one of the difficulties of that sort of thing.

And another difficulty: We expect that the very fact that we do participate and shall increasingly participate in this way will necessarily make an increase of the expenses of our naval and military armament. That is one of the things that must be expected everywhere in the world, for the reason that careful and prudent men will provide the right sort of insurance against our own actions and against the actions of those like us in the other nations with whom we have relations. I know there are some of our colleagues, and my good friend from Texas here, Mr. Slayden, knows them as well as I do, who can vote for a naval holiday resolution, and then vote for a peace resolution, and then vote to violate the treaties with all the nations we have relations with, and then vote for a war resolution, and then vote to reduce our military and naval expenses. But we can not do that with safety right along. A halt must come somewhere; and we must have a realization that with all the mistakes and with all the blunders that we are liable to make in the exercise of our privilege of final veto upon the international affairs of our government, there must be an insurance fund to take care of these very blunders. You can not rectify them as some of our friends on the Hill are trying to do, by compelling our army to build our levees on the Mississippi in time of peace, and to construct our good roads through the country, and by compelling our navy to act for the Post Office Department and start a new freight line. You can not go from Mars and Neptune to Mercury and then back again in the twinkling of an eye. I am afraid if that is tried we will find our army and navy gradually dissipated, and it will cost a mighty sight more to get it back again into effective shape than it will to keep it so.

Mr. Toastmaster, I fear that my fifteen minutes have gone, but I very greatly appreciate the privilege of telling you how Pat and I and the rest of us feel about these things. We are here to stay. We are here to take part and finally to pass upon the deliberative action of those gentlemen who make and unmake our treaties. But we can do it better, we can do it as American citizens ought to do it in a patriotic, intelligent way, if the facts are honestly given to us. That duty in considerable part comes to you. Of course, you are not in immediate touch with Pat and me and the rest of us, but you can

instruct those who do reach us, and that great duty is something that I hope you gentlemen will realize will be increasingly important as the years go on, and so each of us in his own way, you instructing us what we can do, we on the firing line between Pat and those who formulate public opinion, will all work together to do what we should do for the glory and honor of our common country.

The TOASTMASTER. I never knew a better illustration of the good effect of a man's really having something to say and worth saying than in the fact that our friend Stevens did not shy any brickbat back at me about the length of the oratory in the Senate, when I called the fifteen minute rule on him.

I have the pleasure now to ask Mr. Archibald C. Coolidge, Harvard Exchange Professor, quite fresh from lecturing in Germany, and one of the unofficial ambassadors of the best thought of the United States to the European world, to address you.

Mr. COOLIDGE. Mr. President and fellow members of the Society of International Law (I might say that I use the term "fellow members" with particular pleasure since my membership only dates since yesterday morning; in fact, I am afraid I must admit that although I feel so proud of belonging to this Society, I might have hesitated to join it if I had known that I was to be called upon to make a few remarks to you this evening, with so little warning as I have had); I can not help thinking back, in a sad and ironical fashion, of the day some twenty years ago when I first began to lecture to freshmen, and was reassured by the remark of a colleague who said, "Remember, no matter how little you know, they know a great deal less than you do." But now when the situation is reversed, I feel as if I had got up to talk to a class and had forgotten my notes. And yet it is a pleasure and an inspiration to speak to an assembly of this kind, even for one who is not a lawyer himself, but merely an interested student of international affairs, who has had a chance to see a little in foreign countries of what others think about, as well as to try to collect what they think of ourselves, and what we think of others. It is an inspiration that helps one, for the dangers and difficulties I was going to say, of speaking to an audience of this kind; for, unlike the previous speaker, Mr. Stevens, and his constituent, Mr. Pat McCoy, I

feel as though I had come out of my own instead of into it, and I do not feel nearly as confident of my ground as Mr. Stevens' friend, McCoy, seemed to feel of his ground. But still I feel that it is a privilege and a reward. I am almost in the position of the Scotch clergyman, who having made his way to church on a very stormy day in a parish that was half Gaelic, found only one old man there to listen to him. He looked at him for a moment and then leaned over and asked him whether he should speak in English or in Gaelic. The congregation answered, "Give it to us in both. You are well paid for it." However well paid I may be, the task is not made easier on that account. I wish merely to bring up one or two points that have occurred to me in the course of listening in the last two or three days, at the meetings of this Society.

First a word on the subject of the Monroe Doctrine, which has been taken up by so many speakers. As I have listened to the various views concerning the Monroe Doctrine, of the question whether it should be changed, or whether it should remain, what it means and what it does not mean, being not a lawyer, the question came up more and more in my mind why is it that at the present time the Monroe Doctrine is so much a question of the day; for not only international lawyers but the country as a whole have the feeling that now it needs elucidation in a way that perhaps it never did before. Of course, one can give a few obvious and easy answers to it: the growth of the United States, our position in the world, the increasing complexity of our foreign relations of all kinds; but I wonder if one could not go a little further and a little deeper into that, and take up the historical growth of the questions which we have to solve or to meet with the aid of the Monroe Doctrine.

At the time the Monroe Doctrine was promulgated, as you all know, it merely set forth two or three main principles. It declaimed against the doctrine of European colonization in the western world, a doctrine from which we have had very little to suffer since the declaration of the Monroe Doctrine. It also roughly stated and put forth the principle of America for the Americans, and set forth that we would not meddle in European affairs, and we did not expect the European world to meddle in ours. Well, in the course of the nearly a century that has passed since that day there have been but few occasions when we have felt tempted to meddle in European affairs,

and that side of the doctrine has given us very little concern. There have been several occasions well known to all of you when the question of European intervention or possible intervention, direct or indirect, in the affairs of the western world, has been the cause of great anxiety to American statesmen and to the American people. There was another side to the Monroe Doctrine, however, a side that was not expressed, and one that you might say was not in the minds of President Monroe or his advisers, a side that has become more and more important as time has come on. From the moment when we set forth our doctrine as to the duties of European nations, and our own claim that they should not interfere in the western world, for I think there is nothing to indicate that this phase of it was really considered at the time, unconsciously we established a principle that was bound to react, and to act ever more strongly in our relations with the Latin Americans, and with the other American republics. Curiously enough, we did not realize it at the time, but it was realized very quickly by Latin America. Within a very short time after the promulgation of the Monroe Doctrine the United States received an invitation to take part in Pan American affairs. The United States was not at all prepared for the invitation. It did not know how to meet it. The discussions of the question showed the hesitation of the people of the time, and the whole thing for a moment came to nothing. That side of the Monroe Doctrine was almost forgotten from that time on down until a very much later period, when Secretary Blaine first took up the modern policy of what is known as Pan Americanism; and as time has gone on more and more this other side of the Monroe Doctrine, our relation to the Latin American world, a thing that the founders of the doctrine had not thought of at all, and yet a thing that naturally comes from the very promulgation of the doctrine, has come forward, until today it completely overshadows any other side of the doctrine, or at least so it seems to me. And as that was not provided for, as that was not thought of, we have to face a series of questions, our answer to which depends in part, though of course not by any means entirely, on the Monroe Doctrine, and which the Monroe Doctrine was not consciously prepared to meet. I think this is one great reason and perhaps the greatest reason why we should increase closer communication in every way with the rest of the Western Hemisphere. The question of the stability and applica-

bility of the Monroe Doctrine has come up and become really acute, and with the realization of this new phase of it, many people are hesitating and are divided among themselves as to just how we should meet these conditions, how we should be true to our traditions, and not how our traditions are best suited to meet the difficulties that confront us. As far as one can judge, this side of the Monroe Doctrine is the one that from this time on will be the most important in our international politics.

There is one other and a quite different little point on which I wish to touch. I have had some little experience in meeting foreigners in a good many countries, and in reading and hearing what foreigners think of Americans and American politics. Of course it is obvious to us, and we realize perhaps better than those who have not studied that question can realize, that however honest we may be in our intentions, we can not expect that others will think we are any more honest than we think they are. Nowhere must this principle of applying the same rule to ourselves that we apply to other people be carried out more strictly than in questions of this kind; and a society of this sort is in the best possible position to insist and keep insisting on that fact. Sometimes it seems to me, not being a lawyer, that the name of the Society suffers, not through any fault of its own, but through a weakness in the English language. I am not proposing to reconstruct or improve the English language, but I merely want to point out that there are certain things in the term law, and especially in the term international law, that we need to emphasize rather more than we do. After all, we free born Americans think of law first of all, I was going to say, from the standpoint of a difficulty with the local police, and we grow up with a feeling of independence of law as a thing that should bother us as little as possible, and at times we are apt to overlook the sanctity of it; and when we come to such a term as "international law," it does not, to the unbeliever, at least to the general public, convey the idea of morality and duty to the extent that it might; and this is due, I believe, in part, to the weakness in the English language. We use the word "law" for a conception which is covered by two words in most other languages. As you know, our word "law" in its application to international affairs, takes the place of words in the French, Spanish and German languages which mean not only law but right; and the idea of interna-

tional law means, first and foremost, international right, and not mere agreement, or international quibbling as to verbal interpretation. It is a thing that we all of us ought to emphasize on every possible occasion. The American Society of International Law is and should be first and foremost a society of international right, as we understand it, right in the highest sense of the world, and it is our duty to contribute what we can to spreading what we believe to be right in such things among the people of the United States.

The TOASTMASTER. In closing the exercises of this occasion, it is a very great gratification to be able to call upon the high priest of international law in America, the gentleman who brings to the consideration of the *jus gentium*, to the consideration of international right and international law, the trained and highly developed intelligence and conscience of a great political leader; of a leadership which has for many years been followed by the conscience, the belief, the loyalty of a vast body of Americans, and who brings to it also the most sincere and devoted loyalty to that which is the object of all international law to attain, the object of peace and justice among men, the Secretary of State of the United States, Mr. Bryan.

Mr. BRYAN. Mr. Toastmaster and fellow members, for I too have the honor of being one of you, I am very glad that at last I am privileged to attend one of your banquets. I have been receiving invitations for a number of years, as Mr. Scott will testify, but it has so happened that I could not be here; and I would not have been here tonight if I could have got away. It happened that this came at a time that I had set apart for a vacation; but like many of my plans, this plan was changed without my consent, and I am here; and one of the consolations that I find in being denied a vacation is the pleasure that coming here gives me.

I appreciate the more than generous words spoken by the Toastmaster, and I know not how better to reciprocate than to say that I can not hope to surpass in the discharge of my duty my eminent predecessor in that office who honors us tonight by his presence. He has set a high mark in his devotion to the promotion of international peace, and I rejoice in the distinction that his eminent services have won for his country through him.



I have been a little worried tonight by one thing that he said, the restriction that he placed upon the time that speakers should occupy. I would not have cared for this at the first, but since I began to speak in public I have noticed a great tendency to restriction in the time. At one time they sent from Nebraska to the Senate of the United States a man who spoke for fourteen hours, which seemed to me a fair opportunity for the presentation of Nebraska's thought. But I found that not everyone regarded fourteen hours as reasonable. I had an experience out in Nebraska. I was going to speak at a political meeting, and riding in the same caboose with me was a citizen of Lincoln who, during the trip, told me that a man could not be interesting for more than an hour on any subject. I felt offended because I expected to speak two hours that afternoon, and you can imagine how I felt when I got up to speak and saw him in the audience, and faithful to his theory he left at the end of one hour.

When I went down to Boston two or three years ago I found that a man wrote a two column editorial on the question, How could a man be interesting for more than an hour? and put an hour as the limit. And about the time I had compressed myself into an hour in order to please the notions of those who differed from me on the subject of time, I found that Yale had even a more strict limitation than Harvard, for I was told that the President of Yale had said, when asked by a speaker how long he could speak, that there was no limit; but he added that, after consulting the records of the college, they had not found a case in which a man had been interesting after the first twenty minutes. Well, it is hard enough for a man to come down from fourteen hours to twenty minutes, but now I have to come down to fifteen minutes, at a time when I have a great deal to say. You know, Mr. Toastmaster, in the office which we have occupied by turns, we have not the chance to speak that I have been in the habit of having on the stump, and when I do get a chance like this, it is a violation of the constitutional prohibition against cruel and unusual punishments to allow me only fifteen minutes.

And I can not occupy all of my time to speak, at that, for I have an announcement to make. I have the authority of my distinguished friend for the proposition that you would be interested in knowing what has happened this afternoon. I was a little late tonight, but I think the time was well spent, for it was spent in concluding the delivery of the notes which are represented here:

Mr. Secretary of State:

With the purpose of subserving the interests of peace and civilization in our continent and with the earnest desire to prevent any further bloodshed to the prejudice of the cordiality and union which have always surrounded the relations of the governments and peoples of America, we, the plenipotentiaries of Brazil, Argentina, and Chile, duly authorized thereto, have the honor to tender to Your Excellency's Government our good offices for the peaceful and friendly settlement of the conflict between the United States and Mexico.

This offer puts in due form the suggestions which we had the occasion to offer heretofore on the subject to the Secretary, to whom we renew the assurances of our highest and most distinguished consideration.

This is signed by the Ambassador from Brazil, Mr. Da Gama, the Minister from Argentina, Mr. Naon, and the Minister from Chile, Mr. Suarez.

This afternoon the following reply of the President was delivered:

The Government of the United States is deeply sensible of the friendliness, the good feeling and the generous concern for the peace and welfare of America manifested in the joint note just received from your excellencies tendering the good offices of your governments to effect, if possible, a settlement of the present difficulties between the Government of the United States and those who now claim to represent our sister republic of Mexico. Conscious of the purpose with which the proffer is made, this Government does not feel at liberty to decline it. Its own chief interest is in the peace of America, the cordial intercourse of her republics and their people, and the happiness and prosperity which can spring only out of frank, mutual understandings and the friendship which is created by common purpose. The generous offer of your governments is, therefore, accepted. This Government hopes most earnestly that you may find those who speak for the several elements of the Mexican people willing and ready to discuss terms of satisfactory and therefore, permanent settlement. If you should find them willing, this government will be glad to take up with you for discussion in the frankest and most conciliatory spirit any proposals that may be authoritatively formulated, and will hope that they may prove feasible and prophetic of a new day of mutual coöperation and confidence in America.

This government feels bound in candor to say that its diplomatic relations with Mexico being for the present severed, it is

not possible for it to make sure of an uninterrupted opportunity to carry out the plan of intermediation which you propose. It is, of course, possible that some act of aggression on the part of those who control the military forces of Mexico might oblige the United States to act to the upsetting of the hopes of immediate peace, but this does not justify us in hesitating to accept your generous suggestion. We shall hope for the best results within a time brief enough to relieve our anxiety, lest ill-considered hostile demonstrations should interrupt negotiations and disappoint our hopes of peace.

I am sure that the approval which your hearty applause manifests will not be confined to the thousand members of this Society. I am sure that in what the President has done he has spoken for the best conscience and the best judgment of the people of the United States. And I feel a greater pleasure in being with you tonight in the prospect, whether it be realized or not, of some adjustment of these difficulties which will give to our sister republic a new lease of life and to her people hope of progress and prosperity which will make us as happy as it will make the people of Mexico.

But to the subject, in the brief time that is allotted to me. We are international lawyers. At least that presumption is with us, as members of this Society. I think the word "international" ought to be an enlargement, not a limitation of the word "lawyers." And I am sure that I am not mistaken when I declare that the position of the lawyer is a rising position. As I have gone among the people, I have not always found the respect for the law that I was taught to have for it. My father was a lawyer and I was trained to the law, with no thought of departing from it until accident took me into politics and design kept me there. I was taught to believe that the law was a very distinguished profession and a very high occupation; but when I talked among the people, I had to leave out of one of my lectures a complimentary reference to lawyers, because I found it made the people laugh, and disconcerted me. And I remember that out in Nebraska a few years ago, when the Populists were abroad in the land, a man was put in nomination for an office, and the man who presented him said he was a lawyer. His friends noticed that it was an unfortunate mistake to have referred to his profession, and so they called upon another friend who rose and explained that he had been a lawyer, but had been disbarred. Now I regard the lawyer's profession as a

very important one, and doubly important because the lawyer acts not merely in court, but outside. His position in the court is more important than some people imagine. I sometimes hear people complain that so large a percentage of the criminals are acquitted; but they forget that even the acquitted criminal is fined by the lawyer in his fee, and so he does not entirely escape.

But I regard the lawyer's work outside of court as more important than his work inside of court. The lawyer is the natural exponent of his school of thought. He is the natural spokesman of his people, and a few years ago, when the constitution of Oklahoma had been written, I was amused to notice what a mistaken idea prevailed in one of the editorial rooms, in regard to the lawyer's place. This editorial said that the constitution of Oklahoma was written by a lot of cornfield lawyers. If they had been corn-fed lawyers the editor would probably have been better acquainted with them, but he called them cornfield lawyers. The phrase was used in contempt, and yet if that editor had understood American politics better he would have known that the cornfield lawyers of the United States are the most potent influence in the country. They are the men who thresh out the questions that reach the cities after awhile. These are the men who, representing opposing ideas and schools of thought, by comparison of their views help the people in the ascertainment of that which is true. I regard the lawyer's place outside the courtroom as of the highest moment in this country, and I think that we may say free government is secure in proportion as there are those who are trained to think, to express themselves and to oppose each other in debate. And if that is true of the lawyers throughout the country, if those lawyers are a great peace producing force because of the conflicts which they excite, may it not be true also of our international lawyers? If any one imagines that the lawyer is a disturber of the peace, let me remind you that but for our courts and the lawyers who help to administer justice we would still be settling our difficulties by physical force. The lawyer is essential to the lifting of disputes from the realm of the physical to the realm of the intellectual and the moral.

Thus lawyers throughout the land are the conservators of peace, because they help to present a forum in which men's differences may be adjusted. And is it not proper that those who are international lawyers shall occupy the same high position, and that they who repre-

sent the views of nations on matters connected with international affairs should be the great forces for the settlement of our disputes at the bar of reason? We are told that this is the greatest society of its kind in the world, but that can not long be true, for the world is growing, and just as this Society has appealed to lawyers in this country, so will the idea appeal to the lawyers of other lands. And it does not require a prophetic eye to look forward to the time when those who are associated as you are, as international lawyers, will powerfully move toward the affecting of public opinion, and that public opinion will be a public opinion that will increasingly compel the substitution of reason for force in the settlement of international differences. And as a believer in reason, and as one who looks forward with longing and with confident belief to the time when nation will not rise up against nation, I welcome the international lawyer as one of the great agencies for the promotion of world-wide peace, and I am glad to be associated with you; glad not only because of the respectability of the profession and the high standing of those who train themselves in the profession of the law, but more proud because of the prospective work that you will engage in as you help to raise disputes, first to the intellectual and then to the moral plane; for I regard the moral plane as the one toward which we must all strive. When we settle our differences upon an intellectual basis, there is still some opportunity for the strong to take advantage of the weak; but when we settle our differences upon a moral basis, it is a question of right and not a question of might. I am very glad to be with you tonight.

THE TOASTMASTER. Gentlemen, with this cheerful and hopeful address, both in its sentiment and its eloquence, and in the announcement which it contains, so full of hope, I think, for the adjustment of the unhappy difficulties in which we have found ourselves in the past few days, as a good augury for the future, I declare this eighth annual meeting of the American Society of International Law adjourned, with good wishes for the coming year, and the hope that we all will meet again in the years to come.

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## INDEX

	PAGE
Academy of International Law at The Hague .....	273, 293-295, 320
Adams, Charles Francis, address on origin of the Monroe Doctrine .....	22
Admission to the bar .....	253, 260, 279, 280, 300, 301, 322
Advanced degrees .....	253, 260, 277, 308-309, 321
American Bar Association .....	253, 260, 280, 301, 322
American foreign policy to be distinguished from international law .....	272, 289-293, 319
American Institute of International Law, coöperation with .....	231
American Law School Association .....	310
American Society of International Law, recommendations of conference of teachers to:	
To form committee or section of legal education .....	269, 283-285, 317
To coöperate with colleges .....	281, 282, 302, 322
To select visiting professors .....	281
To send out literature .....	277, 309, 321
To take steps concerning summer courses .....	310, 323
Andrews, Arthur I.:	
Delegate from Tufts College to conference of teachers .....	257
Member of Committee No. 6 of conference .....	261
Submits report to conference .....	302
Resolutions offered at conference .....	311, 312
Annual meeting of the Society:	
Appointment of committee referred to Chairman .....	245
Committee on .....	vi
Remarks of Philip Brown concerning .....	239
Motion respecting .....	242
Applications of Monroe Doctrine:	
From 1823-45, address by W. R. Manning .....	34
From 1845-70, address by J. M. Callahan .....	59
From 1870 to present day, address by J. H. Latané .....	105
Arbitration, cases of, to be used in teaching .....	272, 289-293, 319
Arbitration documents to be published .....	270, 286, 318
Asser, T. M. C., remarks on death of .....	236
Motion concerning .....	238
Auditing Committee .....	vi
Appointed for next year .....	243
Report referred to Executive Committee .....	245
Aymar, F. W.:	
Delegate from New York University to conference of teachers .....	257
Member of Committee No. 7 of conference .....	261
Remarks at conference .....	256, 310

	PAGE
Bacon, Robert, member of Committee of Revision of conference of teachers	307
Banquet, remarks at	325
Bar examinations	253, 260, 279, 280, 300, 301, 322
Bibliography of international law	270, 285, 317
Bingham, Hiram, address on Latin American attitude toward Monroe	
Doctrine	180
Remarks	179
Blakeslee, George H.:	
Address, "Should the Monroe Doctrine Continue to be a policy of the United States?"	217
Delegate from Clark University to conference of teachers	257
Chairman of Committee No. 2 of conference	260
Member of Committee of Revision of conference	307
Submits report to conference	308
Board of Editors of American Journal of International Law	vi
Elected for ensuing year	245
Brazilian Ambassador, remarks at conference of teachers	266
Brown, Philip:	
Delegate from Princeton University to conference of teachers	257
Chairman of Committee No. 6 of conference	261
Member of Committee of Revision of conference	307
Submits report to conference	281
Remarks at conference	276
Remarks on annual meetings of Society	239
Remarks on Monroe Doctrine	114
Bryan, William J., remarks at banquet	336
Bulletin of international information	270, 286, 318
Business courses to include international law	312, 323
Business meeting of the Society	231
Butler, Charles Henry, report as Corresponding Secretary	233
Callahan, James M.:	
Address on statements, interpretations and applications of the Monroe Doctrine, 1845-70	59
Delegate from University of West Virginia to conference of teachers	258
Member of Committee No. 6 of conference	261
Candidates for advanced degrees	253, 260, 277, 308-309, 321
Carnegie Endowment for International Peace:	
Resolution of Board concerning teaching of international law	250
Coöperation of, expected by conference of teachers	270
Thanks of Conference extended to	313
Cases to be used in teaching	272, 289-293, 319
Clark, Walter E.:	
Delegate from College of the City of New York to conference of teachers	257

	PAGE
Member of Committee No. 1 of conference .....	260 <sup>a</sup>
Remarks at conference .....	284
Classics of international law to be used in teaching .....	272, 289-293, 319 <sup>a</sup>
Codification of international law, Committee of Society on .....	vi
Report of .....	232
Colby, James F.:	
Delegate from Boston University and Dartmouth College to conference of teachers .....	257
Chairman of Committee No. 3 of conference .....	260
Member of Committee of Revision of conference .....	307
Submits report to conference .....	278, 297
Amends report to conference .....	306
Remarks at conference .....	276, 298, 299 <sup>a</sup>
Colleges and universities represented at conference of teachers .....	257-258
Colleges not offering international law .....	282, 302, 322
Colleges of liberal arts to include international law .....	277, 308-309, 321
Committee of American Society of International Law recommended by con- ference of teachers .....	269, 281, 283-285, 302, 322 <sup>a</sup>
Committee of Revision of conference of teachers....	269, 283, 303-305, 307, 324
Committees of conference on teaching international law:	
Appointment of .....	254-256
Report of Committee on Selection of .....	259 <sup>a</sup>
Personnel of .....	259-261
Reports referred to Committee of Revision ....	269, 283, 303-305, 307, 324
Reports of. <i>See</i> Reports.	
Time for reporting .....	261-266
Committees of Society .....	vi
Election of .....	244
Conference of teachers of international law, Report of.....	250
Recommendations considered and committee to be appointed .....	246
Congresses, acts and declarations of, to be used in teaching ..	272, 289-293, 319 <sup>a</sup>
Congressional Record, excerpts from, to be published .....	270, 286, 318
Constitution of the Society .....	vii
Consular and diplomatic courses recommended by conference of teachers .....	311, 323
Coolidge, Archibald C., remarks at banquet .....	332
Countries that benefit by Monroe Doctrine, address of Joseph Wheless....	171
Courses in international law recommended by conference of teachers, 271, 277, 278, 288, 297-300, 305-306, 308-309, 318, 321, 322	
Declarations of congresses to be used in teaching .....	272, 289-293, 319
Definiteness of rules of international law to be emphasized ...	272, 288-293, 319 <sup>a</sup>
Delegates at the conference of teachers of international law .....	257-258
Departments of international law to be established .....	273, 295-296, 320 <sup>a</sup>



	PAGE
Dickey, Francis W.:	
Delegate from Western Reserve University to conference of teachers,	258
Member of Committee No. 6 of conference .....	261
Remarks at conference .....	287
Diffusion of knowledge of international law recommended by conference of teachers .....	271, 287-288, 318
Digest of international law recommended by conference of teachers,	270, 286, 318
Diplomatic and consular courses recommended by conference of teachers .....	311, 323
Diplomatic correspondence to be published .....	270, 286, 318
Diplomatic incidents to be used in teaching .....	272, 289-293, 319
Documents of international law to be published .....	270, 286, 318
Dunning, James C., delegate from Brown University to conference of teachers .....	258
Editorial Board of American Journal of International Law .....	vi
Elected for ensuing year .....	245
Election of officers and committees of Society .....	233, 244
Eliot, Edward C.:	
Delegates from Washington University to conference of teachers .....	257
Member of committee to select committees of conference .....	256
Chairman of Committee No. 5 of conference .....	260
Member of Committee of Revision of conference .....	307
Submits report to conference .....	280, 301
Remarks at conference .....	276, 288
Elliott, Charles B., unable to be present at meeting .....	217
European attitude toward Monroe Doctrine, address of Charlemagne Tower .....	202
Examinations for admission to the bar .....	253, 260, 279, 280, 300, 301, 322
Executive Committee .....	vi
Elected for ensuing year .....	244
Executive Council .....	v
Elected for ensuing year .....	234
Minutes of meeting, April 23, 1914 .....	243
Minutes of meeting, April 25, 1914 .....	244
Experts in international law to lecture .....	271, 287-288, 318
Extension of study of international law .....	271, 287-288, 318
Facilities for the study of international law .....	253, 259, 270, 285, 317
Faculties and graduate students urged to consider international law .....	277, 308-309, 321
Fenwick, Charles G., remarks at conference of teachers .....	290
Fiore, Pasquale, recommended for honorary membership in Society .....	243
Elected honorary member .....	234

	PAGE
Foreign policy to be distinguished from international law .....	272, 289-293, 319
Foster, John W., address on misconceptions and limitations of Monroe Doctrine .....	119
Member of Committee of Revision of conference of teachers .....	307
Freund, Ernst, delegate from University of Chicago to conference of teachers .....	258
Gama, D. da, remarks at conference of teachers .....	266
Garner, James W.:	
Delegate from University of Illinois to conference of teachers .....	257
Member of Committee No. 2 of conference .....	260
Geiser, Karl F.:	
Delegate from Oberlin College to conference of teachers .....	257
Member of Committee No. 1 of conference .....	260
Graduate and undergraduate instruction to be distinct, 253, 259, 274, 296, 320	
Graduate courses to include international law, 253, 260, 278, 297-300, 305-306, 322	
Graduate schools of international law .....	277, 308-309, 321
Graduate students and faculties urged to consider international law .....	277, 308-309, 321
Gray, George:	
Chairman of conference of teachers .....	252
Remarks at conference .....	255-259, 261-266, 268
Gregory, Charles Noble, delegate from George Washington University to conference of teachers .....	257
Hague Academy of International Law .....	273, 293-295, 320
Herrick, Charles J.:	
Delegate from Union College to conference of teachers .....	257
Member of Committee No. 4 of conference .....	260
Remarks on Monroe Doctrine .....	196
History, advanced degree in, should include international law ....	277, 308, 321
Hodder, F. H.:	
Delegate from University of Kansas to conference of teachers .....	257
Member of Committee No. 3 of conference .....	260
Honorary members, Standing Committee on .....	vi
Elected for ensuing year .....	244
Report of .....	234
Authorized to recommend Pasquale Fiore .....	243
Hornbeck, Stanley K.:	
Delegate from University of Wisconsin to conference of teachers .....	258
Member of Committee No. 2 of conference .....	260
Submits informal report to conference .....	277
Remarks at conference .....	275-278

## Hoynes, William:

- Delegate from University of Notre Dame to conference of teachers, 257
- Member of Committee No. 3 of conference ..... 260
- Remarks at conference,
  - 255, 259, 261-266, 275, 283, 286, 290, 300, 301, 305, 306, 309, 311, 313
- Remarks at meeting of Society ..... 59, 118, 199, 201

## Hull, William I.:

- Address on Monroe Doctrine ..... 155
- Delegate from Swarthmore College to conference of teachers ..... 257
- Chairman of Committee No. 1 of conference ..... 260
- Member of Committee of Revision of conference ..... 307
- Motion concerning hour of meeting ..... 118
- Submits report to conference ..... 269
- Remarks at conference ..... 271, 274, 282-288, 292-297, 313
- Remarks at meeting of Society ..... 233

## Hyde, Charles Cheney:

- Delegate from Northwestern University to conference of teachers .... 257
- Member of Committee No. 1 of conference ..... 260

}

Index—Digest of international law ..... 270, 286, 288

International Law, Committee on study and teaching of to be appointed.... 246

International law to be distinguished from foreign policy.....272, 289-293, 319

## Interpretation of the Monroe Doctrine:

- From 1823-45, address of W. R. Manning ..... 34
- From 1845-70, address of J. M. Callahan..... 59
- From 1870 to present day, address of J. H. Latané ..... 105

Instruction in international law to be placed on uniform and scientific basis .....253, 259, 272, 289-293, 319

Latané, John H., address on statements, interpretations and applications of the Monroe Doctrine from 1870 to present day ..... 105

Remarks ..... 117

Latin American attitude toward Monroe Doctrine, address of Hiram

Bingham ..... 180

Latin American documents to be published ..... 270, 286, 318

Law, advanced degree in, should include international law ..... 277, 308, 321

Law reporter, international, to be published ..... 271, 286, 318

Law schools should include courses in international law,

277, 278, 297-300, 305-306, 308-309, 321, 322

## Lawson, John D.:

- Delegate from University of Missouri to conference of teachers..... 257
- Chairman of Committee No. 4 of conference ..... 260
- Member of Committee of Revision of conference ..... 307
- Submits report to conference ..... 279, 300
- Remarks at conference ..... 259, 276, 307

	PAGE
Lecturers, visiting, recommended by conference of teachers,	
	254, 261, 281, 302, 322
Lectures by experts recommended by conference of teachers,	271, 287-288, 318
Legal education, section of, recommended for American Society of International Law by conference of teachers .....	269, 283-285, 317
Liberal arts, colleges of, to include international law .....	277, 308-309, 321
Library and reference facilities .....	270, 285, 317
Limitations and misconceptions of the Monroe Doctrine:	
Address of John W. Foster .....	119
Address of Leo S. Rowe .....	126
Literature to be sent out by American Society of International Law .....	277, 309, 321
McMurray, Orrin K., delegate from University of California to conference of teachers .....	258
Manning, William R.:	
Address on statements, interpretations and applications of the Monroe Doctrine from 1823-45 .....	34
Delegate from University of Texas to conference of teachers .....	257
Chairman of Committee No. 7 of conference .....	261
Member of Committee of Revision of conference .....	307
Submits report to conference .....	310
Maxey, Edwin:	
Delegate from University of Nebraska to conference of teachers .....	257
Member of Committee No. 4 of conference .....	260
Mediation in Mexico, Exchange of notes concerning .....	338
Membership Committee .....	vi
Elected for ensuing year .....	245
Members of Society, List of .....	342
Mexico, Mediation in. Exchange of notes .....	338
Minor, Raleigh C.:	
Delegate from University of Virginia to conference of teachers .....	257
Member of Committee No. 1 of conference .....	260
Submits report to conference .....	270
Remarks at conference .....	255
Minutes of Executive Council .....	243, 244
Misconceptions and limitations of the Monroe Doctrine:	
Address of John W. Foster .....	119
Address of Leo S. Rowe .....	126
Monroe Doctrine:	
The Real Monroe Doctrine, address of Elihu Root .....	6
Origin of the, address of C. F. Adams .....	22
Statements, interpretations and applications of the, from 1823-45, address of W. R. Manning .....	34
— From 1845-70, address of J. M. Callahan .....	59

	PAGE
———. From 1870 to present day, address of J. H. Latané.....	105
Misconceptions and limitations of the, address of J. W. Foster .....	119
———. Address of L. S. Rowe .....	126
A gospel of peace, address of Eugene Wambaugh .....	143
National or international? Address of W. I. Hull .....	155
What countries benefit by? Address of Joseph Wheless .....	171
Latin American attitude toward, address of Hiram Bingham .....	180
European attitude toward, address of Charlemagne Tower .....	202
Should the, continue to be a policy of the United States? Address of G. H. Blakeslee .....	217
National experience and international law .....	273, 289-293, 319
Nix, H. A.:	
Delegate from University of Georgia to conference of teachers .....	257
Member of Committee No. 4 of conference .....	260
Noble, Eugene A.:	
Delegate from Dickinson College to conference of teachers .....	257
Nominations Committee of the Society .....	243
Report of .....	233
Officers of the Society .....	v
Elected for ensuing year .....	233, 244
Origin of the conference of teachers of international law .....	250, 253
Origin of the Monroe Doctrine, address of C. F. Adams .....	22
Orth, Samuel P.:	
Delegate from Cornell University to conference of teachers.....	257
Member of Committee No. 4 of conference .....	260
Panama-Pacific Exposition, request for meeting of Society considered .....	245
Peace propaganda not to be confused with international law....	272, 289-293, 319
Perkins, Dexter, remarks on Monroe Doctrine .....	197
Place of international law in curriculum.....	273, 295-296, 320
Policy, announcements of, to be published .....	270, 286, 318
Policy to be distinguished from international law .....	272, 289-293, 319
Political economy, advanced degree in, should include international law .....	277, 308, 321
Political science, advanced degree in, should include international law .....	277, 308, 321
Positive nature of international law should be emphasized ...	272, 288-293, 319
Prescott, Arthur T.:	
Delegate from Louisiana State University to conference of teachers ....	257
Member of Committee No. 6 of conference .....	261
Procedure of conference of teachers.....	254, 255, 261-266, 275, 282, 303-305, 307
Proceedings, Committee on publication of .....	vi
Elected for ensuing year .....	245
Resolution concerning date of publication.....	245

	PAGE
Professors, visiting .....	254, 261, 281, 302, 322
Professorships of international law to be established .....	273, 295-296, 320
Protocols to be used in teaching .....	272, 289-293, 319
Questions submitted to conference of teachers of international law .....	253
Radcliffe, Rev. Wallace, invocation at banquet .....	325
Ralston, Jackson H., presented report of Committee on Honorary Members.	234
Remarks on death of T. M. C. Asser .....	238
Real Monroe Doctrine, The, address of Elihu Root .....	6
Recommendations adopted by conference of teachers of international law .....	315-324
Reeves, Jesse S.:	
Delegate from University of Michigan to conference of teachers .....	257
Member of Committee No. 1 of conference .....	260
Submits report to conference .....	274, 296
Remarks at conference .....	291
Reference facilities .....	270, 285, 317
Report of Committee on Selection of Committees of conference of teachers,	259, 261
Report of Committee No. 1 of conference of teachers .....	269, 282-297
Sub-Committee No. 1 .....	270, 285-288
Sub-Committee No. 2 .....	272, 288-296
Sub-Committee No. 3 .....	274, 296
Report of Committee No. 2 of conference of teachers .....	277, 308-309
Report of Committee No. 3 of conference of teachers ....	278, 297-300, 305-306
Report of Committee No. 4 of conference of teachers .....	279, 300
Report of Committee No. 5 of conference of teachers .....	280, 301
Report of Committee No. 6 of conference of teachers .....	281, 302
Report of Committee No. 7 of conference of teachers .....	310
Reporter, international law, recommended by conference of teachers,	271, 286, 318
Resolutions adopted by the conference of teachers of international law . . .	315-324
Revision, Committee of conference of teachers ....	269, 283, 303, 305, 307, 324
Roll call of conference of teachers .....	257-258
Root, Elihu:	
Address on the real Monroe Doctrine.....	6
Article and address by, to be published.....	277, 278, 309, 321
Member of Committee of Revision of conference .....	307
Remarks as presiding officer at meeting of Society .....	21, 31
Remarks at banquet .....	325, 327, 332, 336, 341
Remarks on opening annual meeting .....	1



	PAGE
Remarks on opening of conference of teachers .....	250
Toastmaster at banquet .....	325
Rowe, L. S.:	
Address on misconceptions and limitations of Monroe Doctrine .....	126
Delegate from University of Pennsylvania to conference of teachers ....	257
Member of Committee No. 1 of conference .....	260
Remarks at conference .....	255, 263, 264, 266
Schaper, William A.:	
Delegate from University of Minnesota to conference of teachers .....	257
Member of Committee No. 1 of conference .....	260
Schools teaching international law, increase of .....	271, 287-288, 318
Scott, James Brown:	
Chairman of annual meeting of Society.....	33, 155, 202
Chairman of conference of teachers of international law.....	269
Chairman of Committee of Revision of conference .....	305, 324
Delegate from Johns Hopkins University to conference of teachers ....	257
Offers resolution of procedure for conference of teachers.....	254
Remarks as chairman of meeting,	
33, 59, 117, 118, 155, 169, 179, 196, 199, 201, 217, 229	
Remarks at conference of teachers, 252, 255, 256, 258, 261, 265, 266, 269,	
271, 275-286, 288, 290, 292-294, 296-307, 312.	
Remarks concerning American Institute of International Law.....	231
Remarks concerning annual meetings of Society .....	240
Remarks concerning death of T. M. C. Asser .....	236
Report as Recording Secretary .....	233
Report of Committee on Codification presented by .....	232
Submits questions for consideration of conference of teachers.....	253
Secretary of conference of teachers authorized to assign to committees ....	259
Secretary of State, remarks of, at banquet .....	336
Sherman, Gordon E.:	
Delegate from Yale University to conference of teachers .....	258
Member of Committee No. 1 of conference .....	260
Submits report to conference .....	272
Remarks at conference .....	264, 303-305
Should the Monroe Doctrine continue to be a policy of the United States?	
Address of G. H. Blakeslee .....	217
Slayden, James L., remarks on the Monroe Doctrine .....	115
Sociology, advanced degree in, should include international law ..	277, 308, 321
Specific training for teaching .....	273, 293-295, 320
Sperry, Earl E., delegate from Syracuse University to conference of teachers .....	257
State documents to be published .....	270, 286, 318
Statements, interpretations and applications of the Monroe Doctrine:	
From 1823-45, address of W. R. Manning .....	34

	PAGE
From 1845-70, address of J. M. Callahan.....	59
From 1870 to present day, address of J. H. Latané ....	105
Stevens, F. C., remarks at banquet .....	328
Stewart, John L., delegate from Lehigh University to conference of teachers,	258
Stockton, Charles H., chairman of meeting of Society .....	119
Remarks as chairman of meeting .....	119, 126, 142
Delegate from George Washington University to conference of teachers	257
Students of international law, increase of.....	271, 287-288, 318
Study of international law, extension of .....	271, 287-288, 318
Summer courses in international law .....	254, 261, 310, 323
Teachers of international law, recommendations of considered by Executive	
Council and committee to be appointed .....	246
Thorpe, Francis N.:	
Delegate from University of Pittsburgh to conference of teachers .....	257
Member of Committee No. 5 of conference .....	260
Tower, Charlemagne, address on European attitude toward Monroe	
Doctrine .....	202
Treasurer's report .....	247
Submitted and referred to auditing committee .....	243
Treaties to be published .....	286, 318
Treaties to be used in teaching.....	272, 289-293, 319
Undergraduate and graduate instruction to be distinct....	253, 259, 274, 296, 320
Uniformity of instruction .....	253, 259, 272, 289-293, 319
Universities and colleges represented at conference of teachers .....	257-258
Updyke, Frank A., delegate from Dartmouth College to conference of	
teachers .....	258
Visiting professors .....	281, 302, 322
Wambaugh, Eugene:	
Address on Monroe Doctrine: a gospel of peace.....	143
Delegate from Harvard University to conference of teachers .....	257
Member of committee to select committees of conference .....	256
Member of Committee No. 5 of conference .....	260
Remarks at conference .....	265, 298, 299, 301, 306
Warfield, E. D.:	
Delegate from Lafayette College to conference of teachers .....	257
Member of committee to select committees of conference .....	256
Member of Committee No. 6 of conference.....	261
Submits report to conference .....	259-261
Remarks at conference .....	262-266
What countries benefit by the Monroe Doctrine, address of Joseph Wheless.	171
Wheless, Joseph, address on what countries benefit by the Monroe Doctrine.	171
Remarks on the Monroe Doctrine .....	116, 169

	PAGE
White, Andrew D., resolution of, in Board of Trustees of Carnegie Endowment on teaching of international law.....	250
Wilson, George G.:	
Chairman of annual meeting of Society.....	59, 231
Remarks as chairman.....	59, 105, 113, 115, 118, 231-235, 238, 239, 242
Chairman of conference of teachers of international law .....	308
Delegate from Harvard University to conference of teachers .....	257
Remarks at conference .....	282, 308-312, 314
Wood, Frank H.:	
Delegate from Hamilton College to conference of teachers .....	257
Member of Committee No. 1 of conference .....	260
Remarks at conference.....	264, 265, 275, 283, 284